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At a General Meeting of the Maitland Club, held April 14. 1840:—

Resolved—That the Committee of the Club in Edinburgh, superintending the printing of the Miscellany of the Club, Volume Second, be requested to issue the portion of it already printed, extending from page 1, to page 280, as Part I. Volume II.

JOHN SMITH, Youngest,
Secretary.

ACTS OF THE PARLIAMENT AND OF THE PRIVY COUNCIL OF SCOTLAND RELATIVE TO THE ESTABLISHING AND MAINTAINING OF SCHOOLS FROM THE YEAR MCCCCXCVI TO THE YEAR MDCXCVI.

THE following Documents have been thrown together for the purpose of exhibiting some of the earlier measures of the Scottish Government for establishing and promoting a National System of Education. The subject is one of great interest, and well deserving a more minute and extended illustration than is afforded by the Public Records of the country; but it is hoped that even the few that have been here selected, will be deemed of importance, and may prove useful to those who are disposed to investigate with care this department of the History of Scottish civilization. Among the uses to be derived from the publication of our Episcopal and Monastic Chartularies, and of the muniments of our ancient towns and burghs, it will be found that they throw numerous, although scattered and often feeble, lights on the actual state of Letters prior to the era of our Ecclesiastical Reformation. For subsequent periods, the materials will be found much more abundant.

ESTABLISHING

OF

SCHOOLS IN SCOTLAND.

IN PARLIAMENTO APUD EDINBURGH 13 JUN. 1496.

*That all Baronis and frehaldaris of substance put their eldest sonis and airis to the Sculis.**

ITEM It is Statute and Ordanit throw all the realme that all Barronis and frehaldaris that ar of fubſtance put thair eldeſt

* The following privilege by the King to Walter Chepman and Andro Millar, the first Scottish Printers, is a document of some importance in the literary History of Scotland :—" James &c. To al and sindrj our ' officiaris liegis and subdittis quham it efferis to quhais knawlage thir ' our lettres salcum greting Wit ye that forsamekill as our lovittis ' servitouris Walter Chepman and Andro Millar burgessis of our burgh ' of Edinburgh has at our instance and request for our plesour the ' honour and proffit of our Realme and liegis takin on thame to furnis ' and bring hame ane prent with all stuff belangand tharto and expert ' men to use the samyne for imprenting within our Realme of the bukis

ſonnis and airis to the Sculis fra thai be aucht or nyne ȝeiris of age and till remane at the grammer Sculis quhill thai be competentlie foundit and have perfite latyne And thaireftir to remane thre yeris at the Sculis of Art and Jure ſua that thai may have knawlege and underſtanding of the lawis Throw the

' of our Lawis actis of parliament croniclis mess bukis and portuus
' efter the use of our Realme with addicions and legendis of Scottis
' sanctis now gaderit to be ekit tharto and al utheris bukis that salbe
' sene necessar and to sel the sammyn for competent pricis be our
' avis and discrecioun thair labouris and expens being considerit
' And becaus we wnderstand that this cannot be perfurnist without
' rycht greit cost labour and expens we have grantit and promittit to
' thame that thai sall nocht be hurt nor prevenit tharon be ony utheris
' to tak copyis of ony bukis furtht of our Realme to gar imprent the
' samyne in utheris cuntreis to be brocht and sauld agane within our
' Realme to cause the said Walter and Androu tyne thair gret labour
' and expens And alis It is divisit and thocht expedient be us and our
' consall that in tyme cuming mess bukis manualis matyne bukis
' and portuus bukis efter our awin scottis use and with legendis of
' Scottis sanctis as is now gaderit and ekit be ane Reverend fader in
' god and our traist consalour Williame Bischope of abirdene and
' utheris be usit generaly within al our Realme alssone as the sammyn
' may be imprentit and providit and that na maner of sic bukis of
' Salusbery use be brocht to be sauld within our Realme in tym cuming
' and gif ony dois in the contrar that thai sal tyne the sammyne
' Quharfor we charge straitlie and commandis yow al and sindrj our
' officiaris liegis and subdittis that nane of yow tak apon hand to do
' ony thing incontrar this our promitt devise and ordinance in tyme
' cuming under the pane of escheting of the bukis and punising of thair
' persons bringaris tharof within our Realme in contrar this our statut

quhilkis Juſtice may reigne univerſalie throw all the realme Sua that thai that ar Shereffis or Jugeis Ordinaris under the Kingis hienes may have knawlege to do Juſtice that the pure pepill ſuld have na neid to ſeik our Soverane Lordis principale auditouris for ilk ſmall Injure And quhat Baroun or frehaldar of ſubſtance that haldis nocht his ſone at the ſculis as ſaid is haifand na lauchfull eſſonge bot failzeis heirin fra knawlege may be gottin thairof he ſall pay to the King the ſoume of xx li.—[Acts of the Parliaments of Scotland II, 238.]

'with al rigour as efferis. Geven under our prive Sel at Edinburgh 'the xv day of September and of our Regne the xx^ti yer.'—[*Registrum Secreti Sigilli* III, 129.]—The only publications known to have issued from the press of Millar and Chepman are a collection of pamphlets, chiefly metrical Romances and Ballads, in 1508, of which an imperfect copy is preserved in the Advocates Library, and the Scottish Service Book, including the Legends of the Scottish Saints, commonly called the Breviary of Aberdeen, in 1509, of which the copies are excessively rare.

Appointment under the Privy Seal of Henry Henryſoun Master of the Grammar School of Edinburgh. 21*st March* 1529.

Preceptum confirmationis Magistri Henrici Henrisoun super litera sibi facta per reverendum in christo patrem Georgium Dunkeldensem Episcopum abbatem Monasterii Sancte Crucis prope Edinburgh pro tempore cum consensu Conventus ejusdem sub eorum communi sigillo super officio Magistri eruditionis instructionis et principalis gubernationis Scole generalis Burgi de Edinburgh durante vita sua, &c. Apud Edinburgh xxj Martii Anno MDXXIX.—per Signetum. [*Registrum Secreti Sigilli* VIII, 170.]

IN PARLIAMENTO APUD EDINBURGH 17 JUL. 1525.

*Act anent the damnable opunyeouns of heresy.**

ITEM It is ſtatut and ordanit That forſamekle as the dampnable opungeouns of hereſy ar ſpred in divers cuntreis be the heretick Luther and his diſcipillis And this realm and liegis hes fermelie perſiſtit in the halifaith ſen the ſamin was firſt reſſavit be thaim and never as git admittit ony opungeouns contrair the criſtin faith bot ever has bene clene of all ſic filth and vice Therefore that na maner of perſoun ſtrangear that hapnis to arrife with ther ſchippis within ony part of this realm bring with thaim ony bukis or werkis of the ſaid Lutheris his diſcipillis or ſervandis deſputt or rehers his hereſyis or opungeouns bot geif it be to the confuſioun therof and that be clerkis in the ſculis alanerlie vnder the pane of eſcheting of ther ſchippis and gudis and putting of ther perſouns in preſoun And that this act be publiſt and proclamit out throw this realme at all portis and burrowis of the ſamin Sa that thai may allege na Ignorance therof [And all vther the kingis liegis aſſiſtaris to ſick opungeouns be puniſt in ſemeible wiſe And the effect of the ſaid act to ſtrik apon thaim &c.] *Additio per Cancellarium et Dominos Concilii, 4 Sept.* 1527. [*Act. Parl.* II. 295.]

* This Act is renewed by Parliament 12 Jun. 1535, with the addition—"And that nane of thame have use kepe or consele ony bukis of the saidis heretekis or contenand thar doctrine and opinionis bot that thai deliver the samin to thare ordinaris within xl days under the panis forsaidis."

IN PARLIAMENTO APUD EDINBURGH 15 MAR. 1542.

*Anent haifing the haly write baith the new Testament and the auld in the vulgar toung.**

Anent the writting gevin in be Robert Lord Maxwell In preſens of my Lord Governour and Lordis of Artikles to be aviſit be thaim gif the ſamin be reaſonable or nocht of the quhilk the tennour followis It is ſtatute and ordanit that it ſalbe lefull to all our Soverane Ladyis lieges to haif the haly write baith the new Teſtament and the auld in the vulgar toung in Inglis or Scottis of ane gude and trew tranſlatioun and that thai ſall Incur na crymes for the hefing or reding of the ſamin Providing alwayis that na man deſpute or hald oppunȝeonis under the panis contenit in the actis of Parliament The Lordis of Artiklis beand aviſit with the ſaid writting findis the ſamin reſonable and therfor thingis that the ſamin may be uſit amangis all the lieges of this realme in our vulgar toung of ane gude trew and juſt tranſlatioun becaus ther was na law ſchewin nor producit in the contrar And that nane of our ſaid Soverane Ladyis liegis incur ony crimes for haifing or reding of the ſamyn in forme as ſaid is nor ſalbe accuſit therfor in tyme tocum And that na perſonis deſpute argoun or hald oppuniounis of the ſamin under the ſaidis panis contenit in the foirfaidis actis of Parliament.

The quhilk day Ane maiſt Reverend fader in God Gawyne

* The following notice occurs in the Account of the Lord High Treasurer of Scotland.—" 1543.—Item the xxviij day of Marche gevin to Johne Rob Messinger passand to Dumfermling and Perth to proclame twa Letteris tueching the having of the Scripture in Inglis xxij s."

Archbiſchope of Glaſgw chanceler for himſelf and in name and behalf of all the prelatis of this realme beand preſent in Parliament ſchew that ther was ane act inſtantlie red in faice of Parliament that the haly write may be uſit in our vulgar toung and that na cryme fould follow therupoune throw the uſing therof And allegit in the ſaid act that the thre eſtates concludit the ſamin Quhilk he for himſelf and the remanent of the prelatis being preſent as ane of the thre eſtatis of the ſaid Parliament Diſaſſentit therto ſimpliciter bot opponit thaim therto unto the tyme that ane provinciale conſale mycht be had of all the Clarge of this realme to aviſe and conclude therupoun gif the ſamin be neceſſar to be had in vulgar toung to be uſit amang the Quenis lieges or nocht and thereftir to ſchaw ther uter determinatioun quhat ſalbe done in that behalf and therupoun aſkit Inſtrumentis. [*Act. Parl. II.* 415.]

In Parliamento apud Edinburgh 4 Jun. 1563.

Anent ane Commissioun to visie the Collegeis of Sanctandrois and utheris within this realme and to report to the next Parliament.

Item Forſamekill as it was menit to the Quenis grace and Lords of Articlis in name of all that within this realme ar deſyrous that leirning and letters floreis that they wald tak tent to the waiſting of the patrimonie of ſum of the fundatiounis maid in the Collegeis of the Citie of Sanctandros and utheris placis within this Realme for the interteniment of the ȝouth and that few ſciences and ſpeciallie thay that ar maiſt neceſſare that is to ſay the toungis and humanitie ar in ane part not

teicheit within the ſaid Citie to the great detriment of the haill liegis of this realme thair childrene and poſteritie Deſyring thairfoir the Quenis Majeſtie and Lordis foirſaids to aviſe and rypelie conſidder that the rentis and fundatiounis of the ſaidis Collegeis mycht be employit to ſic men of knawlege and underſtanding quha hes the toungis and humanitie for inſtructioun of the youth and uther ſcience according to the inſtructioun of the ſaidis Collegeis and for weilfair of the haill liegis of this realme and thair poſteritie Thairfoir the Quenis Grace and Eſtatis foirſaidis hes gevin and grantit lyke as thay be the tenour heirof gevis and grantis full commiſſioun and powar to James Erle of Murray Lord Abirnethy &c. ane reverend father in God Henrie Biſchop of Ros Preſident of the College of Juſtice and Seſſioun Williame Maitland of Lethingtoun ȝoungar Secretar to our Soverane Lady Maiſter James Makgill of Rankelour nether Clerk of Regiſter Schir Johne Bellenden of Auchinnoull Knycht Juſtice Clerk Maiſter Johne Spens of Condie Advocat to our Soverane Lady Maiſter George Buchquhannane Maiſter Johne Winrame Priour of Portmoak and Johne Erſkine of Dun to cognoſce viſie and conſidder the patrimonie and rentis of the ſaidis Collegeis quhat the ſamin extendis to ȝeirlie and ſuperplus thairof how and in quhat maner and be quhat rentis and ȝeirlie proffeittis thair may men of cunning and underſtanding be had within the ſaid Citie and utheris placis quhair Collegeis ar for inſtructioun of the ȝouth in foirſaidis ſciencis of the toung and humanitie to the weilfair of the haill liegis of this Realme and thair poſteritie And to declair thair opinioun and aviſe quhat ordoure ſalbe uſit in the ſaidis Collegeis toward the

inſtructioun of the ȝouth and uthers and as thay find thairintill to reporte the ſamin to our Soverane Lady and thre Eſtatis in the nixt Parliament togidder with thair awin Jugementis and opinioun how and in quhat maner the ſamin may be eſylie done and uſit.—[*Act. Parl.* II. 544.]

ARTICLES PROPONIT TO THE PARLIAMENT.

APUD EDINBURGH 3 DEC. 1567.

Anent the instruction of the youth sustentatioun of the pure and relief to the laboraris of the ground.

That proviſioun may be maid for inſtructioun of the ȝowth for ſuſtentatioun of the pure and for ſum releif to the lauboraris of the ground eſpecialie for the relief in leiding of thair teindis. *Ansueris to the first part of this article That the landis of Prebendaris of College kirks in Landwart be erectit for sustentatioun of Bursaris And referris the uther tua heidis to the Estaitis in Parliament.*

Anent reformation of Scoles and Collegis.

Item that all Scoles alſweill to burgh as land and colleges be reformit and that nane be permittit nor admittit to have charge therof or to inſtruct the youth privatlie or publictlie bot ſik as ar or ſalbe tryit be the Superintendentis and viſitatouris of the kirk and admittit be thame to thair charges. *Apprevit.*—[*Act. Parl.* III. 37, 38.]

IN PARLIAMENTO APUD EDINBURGH 20 DEC. 1567.

Anent thame that salbe teicheris of the youth in Sculis.

Item Forſamekle as be all lawis and conſtitutiounis it is provydit That the youth be brocht up and inſtructit in the feir of God and gude maneris and gif it be utherwyſe it is tinſell baith of thair bodyis and ſaulis gif Goddis worde be not rutit in thame Quhairfoir our Soverane Lord with aviſe of my Lord Regent and thre eſtatis of this preſent Parliament hes ſtatute and ordanit that all Sculis to Burgh and land and all Univerſiteis and Collegis be reformit And that nane be permittit nor admittit to have charge and cure thairof in tyme cuming nor to inſtruct the youth privatlie or oppinlie bot ſic as ſalbe tryit be the Superintendentis or viſitouris of the Kirk.

Anent the disposition of Provestries prebendaries and Chaplanereis to Bursaris to be fundit in Collegeis.

Item Forſamekle as the youth is not onlie ſene to preſerve the commoun weill bot alſwa of thame man ryſe ſic as efter this man ſerve in the kirk of God within this realme and to the commoun weill of the ſamin And becauſe the poverte of mony is in ſic fort that they may not hauld their children at letteris quhairby the maiſt pairt of the ȝouth of this Realme wantis the giftis and gracis of leirning requiſite to that charge And for remeid heirof Our Soverane Lord with aviſe and conſent of my Lord Regent and thre Eſtatis of this preſent Parliament

hes ſtatute and ordanit that all patrounis havand proveſtreis or prebendareis of Collegis Alterageis or Cheplanereis at thair giftis and diſpoſitioun may in all tymes cuming at thair pleſour preſent the ſamin to ane burſar quhome thay pleis to name to ſtudie vertew and letteris within ane College of ony of the Univerſiteis of this Realme thair to remaine for ſic ſpace as the patroun foirſaid pleſis to hauld him at vertew and leirning within the foirſaid College and as ſalbe aggreit upon be the patrounis of the ſaidis proveſtreis or prebendareis with the Principall and Miniſteris of the College of the Univerſitie And eſter the patroun remuiſe that burſar furth of the ſaid College to preſent ane uther And ſwa furth fra ane to ane uther to the effect foirſaid at the patrounis pleſour notwithſtanding ony fundatioun or confirmatioun paſt be quhatſumever authoritie in ony tymes bygaine Anent the quhilk Our Soverane Lord my Lord Regent and thrie Eſtats of this preſent Parliament diſpenſis ſwa that the ſaidis Patrounis may diſpone thair proveſtreis and prebendareis to ſic burſaris as they ſall think expedient als oft as neid beis Quhilk ſalbe na hurt nor prejudice to thair patronage notwithſtanding thair fundatiounis and confirmatiounis quhatſumever or ony proviſioun contenit thairintill And thairfoir our Soverane Lord my Lord Regent and thre Eſtatis foirſaidis hartly requeiſtis all patrounis of Collegeis prebendareis and proveſtreis to graunt and diſpone thair proveſtreis and prebendareis to the burſaris forſaidis in maner above ſpecifyit Swa that letteris may be authoriſit and the ȝouth ſufficientlie brocht up in vertew and leirning to the glorie of God and confort of the commoun weill of this Realme. [*Act. Parl.* III. 24, 25.]

IAMES Be the Grace of Gd King of Scottis To oure Lovittis Messingeris oure Schireffis Ihe that pertis cōmunetlie and seuerallie specialis constitute Gretting ffor sameikle as oure right trustie Cousing Iames Erle of Mortoun Lord of Dalkeith Regent to ma oure Realme and Leigis Nobilitie, Estaittis and Lordis of oure perclie Counsale presentlie cōvenit, Vnderstanding be the Supplicationis of the Bischoppis, Superintendentis and Commissionaris of the Diocyes within oure Realme, how necessar it sall tend to the aduancement of the trew Religioun and Instructioun of the people professing the same within oure Realme. That ihe cuirik pareoche lieke thair be a Byble remaning in sic forme as salbe thocht expedient be the lieke, and allowit and settsuth be oure Auctoritie, And that thair is gude Characteris and printing frima already within oure Realme pruvit and sufficient for wirking and imprenting of the said Bible, And that zit the Labour and Hasard of the wark wilbe great & sumptuous, and may not well be performit without euery pareoche, aswell to Burgh as Landwart aduance aforehand the Summe of fyue pundis Vsit for the price of the said Bible weill and sufficientlie bund ilk paist vi tymmes, Summe pundis xiij. li. iiij. pennis, and for the Collectioun the vther sax schillingis and aucht pennis. Thairfore we the said Regent, Nobilitie, Estaittis, and Counsale allowing of the said vertuse, & willing to extende oure Auctoritie to the furtherance thereof, hes ordanit that the said Summe salbe collectit of euery pareoche be the Bischoppis, Superintendentis, and Commissionaris, or sic personis as thay sall appoint to the collectioun thairof and the same imbrocht and deliuerit to Alexander Arbuthnet Burges of Edinburgh the fourtie off the said Merk Cetuin and the first Day of Julij nixt to cum, And hes commandit thir oure Letteris to be Direct to that effect. QVHE Will Ze therfore and we charge zow straitlie and commandis that incontinent thir oure Letteris sene ze pas, And ilk oure Name and Auctoritie commande and charge the principallis and Heidismen of euery pareoche, aswell to Burgh as Landwart to contribute & collect the said Summe of fyue pundis within the pareoche, & deliuer the same to the Bischop, Superintendent or Commissioner of the Diocy or sic as salbe appointit be him to ressaue the same within Fyftie Dayes nixt efter thay be chargit be zow thairto, To the effect the same may be imbrocht with diligence and deliuerit to the said Alexander Arbuthnet betuix and the said first Day of Julij vndir the payne of Rebellioun and puttin of thame to oure Horne, And gif that failze thairin the said Fyftie Dayes being Expyrit That ze incontinent thairefter denunce thame Rebellis, and putt thame to oure Horne, And eschete and imbring all thair moveable gudis to oure vse for thair contemptioun, as ze will answer tille ws thairvpone, Quhilk to do we committ to zow comunetlie and seuerallie our full power, Be thir oure Letteris delyuering thame be zow dewlie execute and indorsat agane to the bearar. Gevin vndir oure Signet At Halyrudhouse the aucht Day of Marche, & of oure reigne the aucht zeir. 1575.

per Actum secreti Consilij.

AT HALYRUDHOUS 8 MARCH 1575.

Charge by the Privy Council of Scotland to contribute and collect fyve pundis in every parochin for the purchase of a Bible.

IAMES Be the Grace of God King of Scottis To our Louittis
Meſſingeris oure Schireffis In that parte coniunctlie and ſeueralie conſtitute Greting Forſamekle as oure richt traiſt Couſing James Erll of Mortoune Lorde of Dalkeith Regent to ws oure Realme and Leigis Nobilitie Eſtaittis and Lordis of oure previe Counſale preſentlie convenit Vnderſtanding be the Supplicatioun of the Biſchoppis Superintendentis and Commiſſionaris of the diocyes within our Realme How greatlie it ſall tend to the aduancement of the trew Religioun and Inſtructioun of the people profeſſing the ſame within oure Realme That In euerilk paroche kirke thair be a Byble remaning In ſic forme as ſalbe thocht expedient be the kirke and allowit and ſett furth be our Auctoritie And that thair is gude characteris and printing Irnis already within oure Realme proper and ſufficient for wirking and Imprenting of the ſaide Bible And that ȝit the charge and haſard of the wark wilbe great and ſumptuous and may not well be performit without euery parochin aſweill to Burgh as Landwart aduance aforehande the ſowme of fyue pundis viz for the price of the ſaide Bible weill and ſufficientlie bunde In paiſt or tymmer foure pundis xiij ſ iiij penneis and for the Collectioun the vther ſax ſhillingis and aucht penneis Thairfore our ſaide Regent Nobilitie Eſtaittis and Counſale allowing of the ſaide overture and willing to extende

our Auctoritie to the furtherance thereof hes ordanit that the ſaid ſowme ſalbe collectit of euery parochin be the Biſchoppis Superintendentis and Commiſſioneris or ſic perſonis as thay ſall appoint to the collectioun thairof, and the ſame Imbrocht and deliuerit to Alexander Arbuthnet Burges of Edinburgh the furniſſar off the ſaid warke betuix and the firſt day of July nixt to cum And hes commandit thir oure Letteris to be direct to that effect OVRE Will Is heirfore and We charge zow ſtraitlie and commandis that Incontinent thir oure Letteris ſene ze pas And in oure name and Auctoritie commande and charge the principallis and Heidiſmen of euery parochin alſweill to Burgh as Landwart to contribute and collect the ſaide ſowme of fyue pundis within the parochin and deliuer the ſame to the Biſchop Superintendent or Commiſſioner of the diocy or ſic as ſalbe appointit be him to reſſaue the ſame within Ten dayes nixt efter they be chargeit be zow thairto To the effect the ſame may be Inbrocht with diligence and deliuerit to the ſaide Alexander Arbuthnet betuix and the ſaide firſt day of July vnder the pane off Rebellioun and putting of thame to oure horne And gif thay failze therein the ſaide Ten dayes being bypaſt That ze Incontinent thairefter denunce yame Rebellis and putt yame to oure horne And eſcheit and Imbring al thair mowable gudis to our vſe for thair contemptioun as ze will anſwer til ws thair vpone The quhilk to do we committ to zow coniunctly and ſeueralie our full power Be thir our Letteris delyuering thame be zou dewly execute and Indorſat agane to the berar Gevin vnder our Signet At Halyrudehous the aucht day of Marche and of our reigne the aucht zeir 1575.

Per Actum Secretj Conſilij

IN PARLIAMENTO APUD STRIVILING 25 JUL. 1578.

Anent the Visitation of the Universiteis and Collegis.

Forſamekill as the Univerſiteis of this realme ar appointit for the educatioun of the ȝouthheid quhilk ſuld be ſeid of gude learning and maneris within this realme And that the ſamyn being richtlie foundit alſweill in rentis as proviſiounis of Maiſteris and burſerris And that notwithſtanding thay ar miſuſit be particular perſonis to thair awin avantage without reſpect of the educatioun of the ȝouth in wertew and gude letteris Regarding na thing the commoun welth of this realme For remeid of the quhilk Our Soverane Lord with aviſe and conſent of the thrie eſtaittis of Parliament Gevis grantis and committis full power and commiſſioun to the richt honorabillis reverend perſonis efter following to pas to the Collegis and Univerſiteis efter ſpecefeit And ther veſy and conſidder the fundatiouns and erectionis of the Univerſiteis and Collegis within this realme with full power to thame to reform ſic thingis as foundis to ſuperſtitioun ydolatrie and papiſtrie and to diſplace ſic as ar unqualefiit and unmeit to diſcharge ther office in the ſaidis Univerſiteis and to plant ſic qualefiit and worthie perſonis therintill as thai ſall find gude and ſufficient for the educatioun of the ȝouth and conform to the commoun weill of this Realme That is to ſay for the Univerſiteis of Sanctandrois the Archebiſhop thairof The Archebiſhop of Glaſgow The Biſchop of Aberdene Robert erll of Levenox Robert erll of Buchane Maiſter Andro Melvile and Maiſter Peter Young For the Univerſitie of Aberdene the ſaid Archbiſhop of Sanctandrois the

Biſchop of Aberdene the ſaid Robert erll of Buchane The Commendatar of Deir Maiſter Robert Maitland dene of Aberdene and Mr George Hay perſon of Rauthwen For the Univerſitie of Glaſgow the Archbiſhop thairof the ſaid Robert erll of Levenox Robert Lord Boyd Maiſter Andro Hay Maiſter Thomas Smetoun and Maiſter Andro Polwart Quhilkis perſonis particularlie abonewrittin appointit as ſaid is Sall convene and begyn at Sanctandrois the firſt day of November nixt tocum at Aberdene the xv day of the ſamyn moneth and at Glaſgow the xxiiij day of the ſamyn moneth of November nixt tocum And thai being convenit at the particular places reſpective abone expremit Sall putt this preſent act and ordinance to dew executioun in all pointis Efter the forme and tennour thairof as they will anſuer to our Soverane Lord thairupoun And to report ther procedingis reſpective to the Kingis grace and Counſall the firſt day of Januar nixt tocum And to that effect that thai may tak forther ordour therintill gif neid beis. [*Act. Parl.* III. 98.]

In Parliamento apud Edinburgh 10 Nov. 1579.

*That Househaldaris have bybillis and psalme buikis.**

Item It is Statut and ordanit be our Soverane Lord and his thrie eſtaitis in this preſent Parliament That all gentilmen

* In reference to the above act of Parliament, the following license appears in the Register of the Privy Seal.—At Montrose 16 June 1580.

Ane Letter made with avise and consent of the Lordes of our Sover-

houſhaldaris and utheris worth thrie hundreth merkis of ȝeirlie rent or abone and all ſubſtantious ȝemen or burgeſſis likewiſe houſhauldaris eſtemit worth fyve hundreth pundis in landis or guidis be haldin to have a bible and pſalme buke in vulgare language in thair houſſis for the better inſtructioun of thameſelffis and thair fameliis in the knawlege of God within ȝeir and day efter the dait heirof Ilk perſone undir the pane of ten pundis And that the Proveſt and baillies of ilk burgh and ſic perſone in every parochyne to landwart as ſalhave the Kingis commiſſioun ſearche inquire and try quha failȝeis heirin And they being convict thairof to uptak the ſaid pane of every ane that failȝeis the thrid part to thame ſelffis for their panes and the tua part to the help and releif of the puyr of the parochyne. —[*Act. Parl.* III. 139.]

In Parliamento apud Edinburgh Nov. 11. 1579.

For Instructioun of the Youth in Musik.

For Inſtructioun of the ȝouth in the art of muſik and ſinging quhilk is almaiſt decayit and ſall ſchortly decay without tymous remeid be providit Oure Soverane Lord with aviſe of his thrie eſtaitis of this preſent parliament Requeiſtis the pro-

ane Lordes Secreit Counsall To Jhone Williamson burges of Edinburgh To vesie seik and serche all and sundrie housses and duelling places alsweill burgh as land regalitie as royaltie within his hienes realme and dominiouns &c. and to requyre the sicht of thir Bybill and Psalme buik gif thai ony haue to be merket with thair awin name of the said John or his deputtis handwryte for eschewing of fraudfull and deceavabill dealing in that behalf, &c. &c.—[*Registrum Secreti Sigilli* xlvi, 129.]

veſt baillies counſale and communitie of the maiſt ſpeciall burrowis of this realme And of the patronis and proveſtis of the Collegis quhair ſang ſculis ar foundat To ereƈt and ſett up ane ſang ſcuill with ane maiſter ſufficient and able for inſtructioun of the ȝowth in the ſaid ſcience of muſik As they will anſuer to his hienes upoun the perrell of their fundationis and in performing of his hienes requeiſt do unto his Majeſtie acceptable and gude pleſure. [*Act. Parl.* III, 174.]

In Parliamento apud Edinburgh 11. Aug. 1607.

Commissioun anent Grammer and teacheris thairof.

Oure Soverane Lord and eſtaittis of this preſent Parliament underſtanding the latine towng to be greatlie diminiſchit within this realme to the heavie prejudice of the commoun weall of the ſamyn And the ſpeciall cauſe thairof to be the want of the uniforme teacheing of all the pairtis of grammer eſtabliſchit be ane Law in all the pairtis of this realme wherethrow be the curioſitie of diverſe maiſteris of ſcholis baith to burgh and land taking upoun them eſtir thair ſanteſie to teache ſuche grammer as pleaſis them The ȝouth quha be occaſioun of the peſt and utherwayes being oft and diverſe tymes changeit to diverſe ſcholis and maiſteris be alteratioun of the forme of teacheing ar haillely prejudgeit For remede quhairof it is thocht expedient be our Soverane Lord and Eſtaittis of this preſent Parliament That thair ſhall be ane ſatlit forme of the beſt and maiſt commoun and approvin grammer and all pairtis thairof colleƈtit eſtabliſchit and prentit to be univerſallie teacheit in all the pairtis of this realme be the haill maiſteris and teacheres of grammer

in all tyme cuming Thairfoir oure ſaid Soverane Lord and Eſtaittis of Parliament preſentlie convenit hes gevin and grantit and be thir preſentis gevis and grantis full power and commiſſioun to Alexander erle of Dunfermeling Chancellar of this realme James Lord of Balmirrenoch Secretar to his Majeſtie Sir Thomas Hammyltoun of Bynnie knycht his hienes Advocat Mr John Preſtoun of Pennycuk Collectour generall Sir John Skene of Curryhill knycht Clerk of Regiſter Mr Thomas Craig and Mr Williame Oliphant Advocattis Mr Williame Scott of Elie Mr Patrick Sandis and Mr Johne Roy ſcholemaiſter of Edinburgh or ony fyve of thame conjunctlie To trye cognoſce conclude and ſett doun ſic forme and ordour as they ſall think maiſt meitt and expedient To be obſervit heireftir be all maiſteris of grammer within this realme And our ſaid Soverane Lord and eſtaittis forſaidis declairis that the procedingis of the ſaidis Commiſſionaris in the ſaid mater ſhall be als effectuall as gif the ſamyn wer ſpeciallie ſet down be act of this preſent Parliament And that publicatioun be maid thairof at all places neidfull with command thairin to all maiſteris of ſcholis to obey the ſamyn under the pane of deprivatioun of thame from teacheing and payment of twentie pundis to the pure of the parochin quhair they duell. [*Act. Parl.* IV, 374.]

Letter from King James the Sixth to the Privy Council of Scotland Nov. 2. 1616.

JAMES R.

Righte truſtie and righte welbeloued coſen and counſel-

lour And righte truſtie and welbeloued counſellouris Wee greett yow well Whereas it is neceſſarie for the better eſtabliſhing of true religion that childrein be catechiſed and educated in the knowledge of the groundes thereof frome their tender yeares And whereas manie parentes are ſo negligent and careles in that point as their childrene being eyther altogether ignorant or careleſlie inſtructed are when they come to age eaſily peruerted and drawen to Poperie It is therefor our pleaſour that yee cauſe make and publiſhe an acte commaunding all parentes to uſe the ordinarie meanes of inſtructing their young childrene to preſente thame to their ordinarie paſtour at all uſuall times of cathechiſing and examination and to bring thame to the biſhoppe of the dioceſe at euerie viſitatioun to be tried and confirmed by him with certification that ſuch parentes as ſhall neglecte theſe meanes ſhall pay according to their qualitie a pecuniall ſumme withoute anie remiſſion And this recommending to your ſpeciall care Wee bid yow farewell At our pallace of Whitehalle the ſecunde day of Nouember 1616. [*Original preserved in the General Register House.*]

Act of the Privy Council of Scotland appointing a scoole to be in euery parroche Dec. 10. 1616.

Forſameikle as the Kingis Majeſtie haueing a ſpeciall care and regaird that the trew religion be advanceit and eſtabliſheit in all the places of this kingdome and that all his Majeſties ſubjectis eſpecially the youth be exerciſed and trayned up in

civilitie godlines knawledge and leirning That the vulgar Ingliſh toung be univerſallie plantit and the Iriſche language which is one of the cheif and principall cauſis of the continewance of barbaritie and incivilitie amangis the inhabitantis of the Ilis and heylandis may be aboliſheit and removit And quhairas thair is no meane more powerfull to further this his Majeſteis princelie regaird and purpois than the eſtabliſhing of Scooles in the particular parocheis of this kingdome whair the youth may be taught at leaſt to wreit and reid and be catechiſed and inſtructed in the groundis of religioun Thairfoir the Kingis Majeſtie with aduiſe of the Lordis of his ſecreit Counſall hes thocht it neceſſar and expedient that in euerie parroche of this kingdome whair convenient meanes may be had for interteyning a ſcoole That a ſcoole ſalbe eſtableiſhit and a fitt perſone appointit to teach the ſame upoun the expenſis of the parrochinaris according to the quantitie and qualitie of the parroche at the ſight and be the aduiſe of the Biſhop of the diocie in his viſitatioun Commanding heirby all the Biſhoppis within this kingdome That they and everie ane of thame within thair ſeverall dioceis deale and travell with the parrochinaris of the particular parrocheis within thair ſaidis dioceis to condeſcend and aggree upone ſome certane ſolide and ſure courſe how and by quhat meanes the ſaid Scoole may be enterteyned And gif ony difficulteis arryſe amongis thame concerning this mater That the ſaid Biſhop reporte the ſame to the ſaidis Lordis to the effect they may take ſuche ordour heiranent as they ſall think expedient And that letteris be direct to mak publicatioun heirof quhairthrow nane pretend ignorance of the ſame.

Act of the Privy Council of Scotland anent the catechesine of childrene Dec. 10. 1616.

Forſameikle as the Kingis Majeſtie with the aduiſe of the Lordis of his Secreit Counſale hes found it verie neceſſar and expedient for the better eſtabliſcheing of the trew religioun that childrene be catecheſed and educate in the knowledge of the groundis therof from their tender yeiris And ſeeing mony parentis ar ſo careles and negligent in that point as thair childrene being aither altogidder ignorant or cairleſſie inſtructed ar quhen thay come to aige eaſilie pervertit and drawne to Poperie Thairfore his Majeſtie with aduiſe foirſaid hes commandit and ordanit and be thir preſentis ſtraitlie commandis chairges and ordanes all and ſindrie parentes to uſe the ordinar meanes of inſtructing thair young childrene to preſent them to thair ordinar paſtour at all uſuall tymes of catechiſing and examinatioun and to bring thame to the Biſchop of the dyocie at everie viſitatioun within the parroche to be tryed and confirmed be him under the paynes particularlie underwrittin to be incurrit toties quoties be euerie perſone failzeing to preſent thair children to the Biſhop at his viſitatioun as ſaid is That is to ſay be euerie nobilman fourtie pundis be euerie Barone fourty merkis and be euery inferiour perſone twenty merkis or leſſe according to the meanes of ilk perſone And that letteris be direct to mak publicatioun heirof that nane pretend ignorance of the ſame.

Letter from King Charles I. to the Archbishops and Bishops for schooles to be in everie parochin— Windsor 25 aug. 1626.

Right Reverend &c. We are informed that it was Provided that Engliſh ſchooles ſhould be eſtabliſhed in all the Parochins within that our Kingdome for better inſtructing of childeren and of the vulgar ſort in the knowledge of the treue religion And for the better civiliſing and removing of the Iriſh language and barbaritie out of the heigh landes there And that all Biſhops within the ſaid kingdome in the viſitation of their Dioceſes ſhould ſee the ſame accordinglie performed at ſuch Places as ſhould be thought moſt fitting for the eaſe of the ſaid childeren ſetting down a competent meanes for the entertainement of the Scholemaiſters which courſe (as wee are likwiſe informed) hath not been by yow putt in execution with ſuch exact diligence as was requiſite in a matter of ſuch importance Therefor our Pleaſure is that yow cauſe eſteabliſh the ſaid Scholes in ſuch pairts as ſhalbe found moſt requiſite And where the Scholemaiſters can be beſt provyded with competent mantenance according to anie good act and order heretofor preſcryved for this purpoſe And that you weeklie in your ſeuerall dioceſes be carefull in ſeing that euerie Miniſter in his particular paroch Catechiſe his Parochiners in the groundes of Religion which as a cheefe poynt of his Miniſterie is requiſite to be duely obſerued. Thus expecting your readie performance of the Premiſſis We bid yow fairwell Windſore the 25 of Auguſt 1626.

IN PARLIAMENTO APUD EDINBURGH 28 JUN. 1633.

Ratification of the Act of Secreit Counsall Anent plantatione of Schooles.

Oure Soverane Lord with the advyſe of the eſtates Ratifies the act of ſecreit counſall daited at Edinburgh the tent day of December ane thouſand ſax hundred and ſaxteine ȝeirs maid anent the planting of ſchooles With this additione That the Biſchops in thair ſeverall viſitatiounes ſall have power with conſent of the heritors and moſt pairt of the pariſchioners And if the heritor being lawfullie wairnit refuiſſis to appear then twih conſent of the moſt pairt of the pariſchioners To ſet downe ane ſtent upon everie plough or huſbandland according to the worth for maintenance and eſtabliſching of the ſaids ſchooles And if any perſone ſall find himſelf greived it ſall be lawfull to him to have recourſe to the lords of ſecreit counſall for redres of any prejudice he may or doeth ſuſteine And ordaines letters to be direct for chairging of the poſſeſſors for the tyme to anſwere and obey the ſchoolmaiſters of the dewties that ſall be appointed in maner forſaid. [*Act. Parl.* V, 21.]

IN PARLIAMENTO APUD EDINBURGH 10 SEPT. 1639.

[*Minutes done in the Articles.*]

The article for plantatione of Schoolis Remitted to the Commiſſione to be granted for plantatione of Kirks, &c. [*Act. Parl.* V, 259.]

IN PARLIAMENTO APUD EDINBURGH 20 AUG. 1641.

Overturis from the Generall Aſſemblie for Univerſities and Schoollis red in Parliament Item ſome Overturis anent Miniſteris And appointis everie Eſtate to haif the dowble thairof that they may be advyſed therwith and gif any of thame concerne his Majeſtie moir particularlie that the note thairof be delyvered to the Kingis Advocat.

[*Overtours for Schooles.*

1. Everie pariſh would have a reider and a ſchooll wherein childrene ar to be bred in reading wryting and grundis of religioun according to the lawdable acts both of Kirk and Parliament maid befoire.

And where Grammer Schooles may be had as in Burghes and in other conſiderable places (among which all preſbyteriall Seats ar to be reputed) that they may be erected and held hand to.

2. Anent theſe Schooles everie Miniſter with his elders ſall give accompt to the Preſbyteries at the viſitatioun of the kirk The Preſbyteries ar to mak report to the Sinod and the Sinod to the Generall Aſſemblie that Schooles ar planted as abowefaid and how they ar provyded both in men and meanes.

3. And becaus this hath bene moſt neglected in the Hielandis Ilandis and border Thairfoire the miniſter of everie pariſhe ar to inſtruct by thair Commiſſionaris to the next Generall Aſſemblie that this courſe is begune betuix and then and they ar further to certefie from one Generall Aſſemblie to another whither this courſe is continued without ommiſſioune or not.

4. And becaus the meanes hitherto named or appointed for Schoolis of all ſortis hath bene both litle and ill payed Thairfoir beſyd former appointmentis (the execution quhairof it is humblie deſyred and to be petitioned for at the handis of his Majeſtie and the Parliament) The Aſſemblie wold farther ſupplicat the Parliament that they in their wiſdome would find out how meanis ſalbe had for ſo good ane uſe eſpeciallie the childrene of poore men (being very capable of learning and of good engynes) may be trained up according as the exigence and neceſſitie of everie place ſall requyre and that the Commiſſionaris who ſalbe named by this Aſſemblie to wait upon the Parliament may be appointit to repreſent this to his Majeſtie and the Parliament ſeing his ſacred Majeſtie by his gratious letter hath put us in the hop heirof quhairwith we have bene much refreſhed.

5. The Aſſemblie wold ſupplicat the Parliament that for youthes of the fyneſt and beſt ſpiritis of the Hielandis and borderis maintenance may be allowed as to Burſars to be bred in Univerſities.

6. For the tyme and maner of viſitatioun of Schooles and contryveing the beſt and moſt compendious and orderly cours of teaching Grammer we humblie deſyre the Aſſemblie to appoint a Committee for that effect who may report thair diligence to the nixt Generall Aſſemblie.] [*Act. Parl.* V, 367.]

In Parliamento apud Edinburgh 2 Feb. 1646.

Act for founding Schooles in everie paroche.

The Eſtates of Parliament Conſiddering how prejudiciall the want of Schooles in manie Congregations hathe bene and how beneficiall the founding therof in everie Congregation wilbe to this kirk and kingdome Doe thairfore Statute and Ordane That there be a Schooll founded and a ſcholemaſter appointed in everie paroche not alreadie provydit by advyſe of the Preſbitrie And to this purpoſe that the heritouris in everie congregation meet amongſt themſelfis and provyde a commodious hous for the Schoole and modifie a ſtipend for the Schoolemaiſter whiche ſall not be under ane hundereth merkis nor above twa hundereth merkis to be payit zeirlie at tuo termes And to this effect that they ſett doune a ſtent upon everie ones rent of ſtock and teind in the paroche proportionallie to the worth therof for mantenance of the Schoole and payment of the Schoolmaſteris ſtipend Whiche ſtipend is declared to be dew to the Scolemaſteris by and attoure the caſualities whiche formarlie belonged to reidaris and clerkis of Kirk Seſſions And if the heretouris ſall not conveene or being conveened ſall not aggrie amongſt themſelfis Than and in that caiſe the Preſbi-

trie ſall nominat tuell honeſt men within the boundis of the preſbitrie who ſall have power to eſtabliſhe a Schoole modifie a ſtipend for the Schoolemaſter with the latitude before expreſt and ſet doune a ſtent for payment thairof upoun the heritouris whilk ſalbe alſe valide and effectuall as if the ſamen had bene done be the heritouris themſelfis And becaus the proportions impoſed wilbe verie ſmall Thairfore for the better and more readie payment therof It is further ordained That if two termes proportions run in the thrid unpayit Then theſe that ſo faill in payment ſalbe lyable in the double of thair proportions than reſting and in the double of everie termes proportion that ſalbe reſting therefter ay and quhill the Schoolemaſter be compleitlie payit and that without anie defalcatioune And that letteris of horning and all uther executoriallis neceſſar be directed at the inſtance of the Schoolemaſter for payment of the double of the proportions in maner foreſaid Diſchargeing heirby anie ſuſpenſion to pas againſt the Schoolemaſteris without conſignatioune And it is declared that lyverenteris during ther lyiftyme ſalbe lyable in payment of the proportion impoſed upon the landis lyfrented and execution in the maner before expreſt ſhall pas aganis them for that effect And the heritouris ſalbe alwayes frie of the ſame during the lyfrentaris lyftyme And if anie perſones find themſelfis wronged be inequalitie of the proportions impoſed It ſalbe laufull for them to ſeik redres thairof before the Lordis of Secrete Counſall or Seſſion within ȝeir and day efter the impoſing of the ſtent and no otherwyſe. [*Act. Parl.* VI, 216.]

IN PARLIAMENTO APUD EDINBURGH JUL. 4. 1690.

Act for visitation of Universities Colledges and Schoolls.

Our Soveraigne Lord and Lady the King and Queens Majeſties and the three Eſtatis of Parliament conſidering how neceſſarie it is for the advancement of Religion and Learneing and for the good of the Church and peace of the Kingdome that the Univerſities Colledges and Schools be provided and ſerved with pious able and qualified Profeſſors Principalls Regents Maſters and others bearing office therein well affected to their Majeſties and the eſtabliſhed government of Church and State Therefore their Majeſties with advyce of the ſaids Three Eſtatis of Parliament doe Statute Ordaine and Enact that from this time forth no Profeſſors Principalls Regents Maſters or others beareing office in any Univerſity Colledge or School within this kingdome be either admitted or allowed to continue in the exerciſe of thair ſaids functions but ſuch as doe acknowledge and profeſs and ſhall ſubſcryve to the confeſſion of faith ratified and approven by this preſent Parliament and alſoe ſweare and ſubſcryve the oath of allegiance to their Majeſties And withall ſhall be found to bee of a pious loyal and peaceable converſation and of good and ſufficient literature and abilities for their reſpective Imployments and ſubmitting to the government of the Church now ſettled by law And albeit it be their Majeſteis undoubted right and prerogative to name viſitors and cauſe viſite the foirſaid Univerſities Colleges and Schoolls yet at this tyme their Majeſties are pleaſed to nominate and appoint with advyce and

conſent forſaid the perſons undernamed viz. The Duke of Hamilton Earle of Argyle Earle Craufurd Earle Marſhall Earle Morton Earle Caſſills Earle Lothian Earle Kintore Viſcount of Arbuthnet Viſcount Stair Lord Raith Lord Elphingſton Lord Cardroſs Lord Carmichael Lord Ruthven Maſter of Burghley Maſter of Stair Lord Advocate Sir George Campbell Juſtice Clerk The Maſter of Forbes Mr Alexander Swinton of Merſingtoun Mr David Home of Croſſrig Mr John Hamilton of Halcraig Senators of the Colledge of Juſtice Sir Patrick Hume of Pollwart Sir John Maxwell of Pollock Sir Thomas Burnet of Lies Sir Robert Sinclair of Stevinſone Sir George Monro of Cullren Mr Francis Montgumrie of Giffins Mr James Melvill of Hallhill Broadie of that Ilk Grant of that Ilk Dunbar of Grainge Mr Robert Learmont of Ballcomey Peter Hay of Naughton elder Cunninghame of Craigens John Dempſter of Pitliver Drummond of Meggins George Moncreiſe of Ready elder Sir John Hall of Dunglaſs Sir William Hamilton Alexander Spittell of Leuchat John Anderſon of Douhill Mr James Smallat Mr James Rymer miniſter Mr William Tullidaffe Mr Gabriel Cuninghame Mr Edward Jameſon Mr Alexander Pitcairne Mr Hugh Anderſone Mr Gilbert Rule Mr Hugh Kennedy Mr John Law Mr James Kirktoun Mr David Blair Mr George Campbell Mr George Meldrum Mr Alexander Forbes Mr William Violand Mr William Mitchell Mr Robert Wyllie Mr James M'Gill Mr Henry Rymer and Maſter John Oliphant to be viſitors to the effect under written viz With full power and Commiſſion to them or major part of them hereby declared to be their quorum To meet and viſite all Univerſities Colledges

and Schoolls within this kingdome and to take tryall of the preſent Profeſſors Principalls Regents Maſters and others beareing office therein according to the qualifications and rules above mentioned and ſuch as ſhall be found to be erroneous ſcandalous negligent inſufficient or diſaffected to their Majeſties Government or who ſhall not ſubſcryve the Confeſſion of faith ſweare and ſubſcribe the oath of allegiance and ſubmitt to the Government of the Church now ſettled by law to purge out andremove As alſoe to conſider the foundations of the ſaids Univerſities Colledges and Schoolls with the rents and revenues thereof and how the ſame have been adminiſtred and manadged and to ſett down ſuch rules and methods for the good manadgement thereof for hereafter As likewiſe for ordering the ſaids Univerſities Colledges and Schoolls and the profeſſions and manner of teaching therein and all things elſe relateing thereto as they ſhall thinke moſt meet and convenient according to the foundations thereof and conſiſtent with the preſent eſtabliſhed government of Church and State And to the effect that theſe preſents may be more ſurely execute Their Majeſties with advyce forſaid doe farther Impower the forſaids perſons viſitors or their quorum to appoint Committies of ſuch numbers of their own members as they ſhall thinke fitt to viſite the ſeverall Univerſities and Colledges within this kingdom with the Schoolls within the bounds to be deſigned to them and that according to ſuch inſtructions and injunctions as they ſhall thinke fitt to give them And to the effect that upon report made be the ſaid Committee to the aforſaid viſitors or their quorum they may proceede and conclude thereupon as they ſhall ſee cauſe And their Majeſties appoints the forſaids viſitors

to meet at Edinburgh upon the twenty third day of July inſtant for the firſt dyet of their meeting with power to them to adjourne and appoint their own meetings to ſuch dayes and places as for thereafter they ſhall judge convenient And this Commiſſion to endure ay and while their Majeſties recall and diſcharge the ſame. [*Act. Parl.* IX, 163.]

IN PARLIAMENTO APUD EDINBURGH JUN. 15. 1693.

Act altering the Quorum of the Commission for Visitation of Universities Colleges and Schools.

The King and Queens Majeſties conſidering that in the Commiſſion granted in the ſecond ſeſſion of the current Parliament for viſitation of Univerſities Colledges and Schools the major part of the viſiters is appointed to be a Quorum and ſeing there may be difficultie to get ſo great a number as the major part of them to meet and that thereby the proſecution of the ſaid Commiſſion may be fruſtrate Therefore their Majeſties with advice and conſent of the Eſtatis of Parliament doe ordaine Eleven of the perſons nominate by that Commiſſion to be a Quorum in place of the major part formerly appointed by the ſaid Commiſſion. [*Act. Parl.* IX, 329.]

IN PARLIAMENTO APUD EDINBURGH OCTOBER 9. 1696.

Act in favors of Universities Schools and Hospitalls.

Our Soveraign Lord and Eſtates of Parliament being reſolved to give all encouragement to Univerſities Schools and Hoſpi-

talls Do therfor extend the Acts and Lawes made in favors of Miniſters of the Goſpell for their more eaſy and ſpeedy ingathering of their Stipend viz That there be no ſuſpenſion except on Conſignation and as to allowance of Expenſes and ſummar proces to Univerſities Schools and Hoſpitalls to the effect they may have the ſame benefite therof for uplifting and ingathering their rents and debts that the forſaid Miniſters have for their ſtipends. [*Act. Parl.* X, 58.]

Act for Settling of Schools.

Our Soveraign Lord conſidering how prejudiciall the want of Schools in many places have been and how beneficiall the eſtabliſhing and ſetleing therof in every paroch will be to this Church and Kingdom Therfor His Majeſtie with the advice and conſent of the Eſtates of Parliament Statutes and Ordains that there be a School ſettled and Eſtabliſhed & a Schoolmaſter appointed in every paroch not already provided by advice of the Heritors and Miniſter of the paroch And for that effect that the Heritors in every paroch meet and provide a commodious houſe for a ſchool and ſettle and modifie a ſallary to a Schoolmaſter which ſhall not be under one Hundred merks nor above two Hundred merks to be payed yearly at two terms Whitſunday and Martinmaſs by equall portions and that they ſtent and lay on the ſaid ſallary conform to every Heritors valued rent within the paroch allowing each Heritor relieff from his tennents of the half of his proportion for ſettling and maintaining of a School and payment of the Schoolmaſters ſallary which ſallary is declared to be by and attour the

caſualities which formerly belonged to the Readers and Clerks of the kirk ſeſſion: And if the Heritors or major part of them ſhall not conveen or being conveened ſhall not agree among themſelves then and in that caſe the Preſbitrie ſhall apply to the Commiſſioners of the Supply of the ſhire who or any five of them ſhall have power to eſtabliſh a ſchool and ſettle and modifie a ſallary for a Schoolmaſter not being under one hundred merks nor above two hundred merks yearly as ſaid is and to ſtent and lay on the ſamen upon the Heritors conform to their valued rent which ſhall be alſe valid and effectuall as if it had been done by the Heritors themſelves And becauſe the proportion impoſed upon every heritor will be but ſmall Therfor for the better and more ready payment therof It is Statute and Ordained that if two terms proportions run in the third unpayed then theſe that ſo fail in payment ſhall be lyable in the double of their proportions then reſting and in the double of every terms proportion that ſhall be reſting thereafter ay and while the Schoolmaſter be compleatly payed and that without any defalcation And that Letters of Horning and all other Executorialls neceſſar be directed at the inſtance of the Schoolmaſter for payment of the ſaid ſtipend and double of the proportions in manner forſaid And diſcharges all Suſpenſions to paſs againſt Schoolmaſters of the ſallaries except upon conſignation or a valid diſcharge And if any ſuſpenſion be paſt that the Lords diſcuſs the ſamen ſummarly without abideing the courſe of the roll And it is hereby Declared that Liferenters dureing their lifetime ſhall be lyable in payment of the proportion impoſed on the Lands liferented and Execution in manner forſaid ſhall paſs againſt

them for that effect and the Heritors ſhall be alwayes free of the ſame dureing the Liferenters lifetime and if any perſon find themſelves wronged by the inequality of the proportions impoſed it ſhall be lawfull for them to ſeek redreſs thereof befor the Commiſſioners of Supply Sherriff of the ſhyre or other Judge competent within the ſpace of year and day after the impoſeing of the ſtent and no otherwayes As alſo it is declared that the provideing of the ſaid Schools and Schoolmaſters is a pious uſe within the paroch to which it ſhall be lawfull and leiſum to Patrons to imploy the vacant ſtipends as they ſhall ſee cauſe excepting from this act the Bounds of the Synod of Argyle in reſpect that by a former Act of Parliament in the year one thouſand ſix Hundred and ninety the vacant ſtipends within the ſaid bounds are deſtined for the ſetting up and maintaining of Schools in manner therein mentioned And the ſaid vacant ſtipends are hereby expreſsly appointed to be thereto applyed at the ſight of the Sheriff of the bounds forſaid And laſtly his Majeſtie with advice and conſent forſaid Ratifies and Approves all former Lawes Cuſtoms and Conſtitutions made for eſtabliſhing and maintaining of Schools within the Kingdom in ſo far as the ſame are not altered nor innovat by this preſent Act. [*Act. Parl.* X, 68.]

APPENDIX.

EXTRACTS FROM THE ACCOUNTS OF THE COMMON GOOD OF VARIOUS BURGHS IN SCOTLAND, RELATIVE TO PAYMENTS FOR SCHOOLS AND SCHOOLMASTERS, BETWEEN THE YEARS 1557 AND 1634.*

ABERDEEN.

1574, 5—Item to the Maister of the Grammer Schoill for his fee of the twa termis - - xxxiij ℔ vj s̄ iiij d̄

Item to the Maister of the Sang Schoill - xiiij ℔ xiij s̄ iiij d̄

1633, 1634—Item to the Maister of the Grammer Shole jc xxxiij ℔ vj s̄ viij d̄

* These Accounts are preserved in a pretty considerable number in the General Register House. They seem to have been rendered annually in Exchequer, in consequence of the Act of Parliament, 12 Jan. 1535, entituled,—"*Off chesing of Officiaris in Burgh and bringing of thare Comptis of thare commoun gudis yeralie to the Chekker.*" ITEM Becaus all our Soverane Lordis Burrowis are putt to povertie waistit and distroyit in thare gudis and polecy and almeist ruynous throw falt of using of merchandice And that throw being of Outlandis men Provest ballies and aldermen within burgh for thare awine particular wele In consumyng of the commoun gudis of burrowis grantit to thame be our Soverane Lord and his predecessouris Kingis of Scotland

Aberbrothock.

1621, 1622—Item to Mr James Philp Schoolmaister lxvj ℔ xiij s̃ iiij d̃
Item to James Hill his Doctor - - four pundis
1633, 1634—Item to the Skoolmaister for his fie - xl ℔
Item to his Doctor - - - xiij ℔ vj s̃ viij d̃

Annand.

1628—Imprimis to our Scoilmaister - - xl ℔

Anstruther-Easter.

1634—Item the Maister of the Grammer Skule - - xl ℔

Ayr.

1627—Item to the Maister of the Grammer Scule his stipend jc ℔
Item for his hous maill - - xiij ℔ vj s̃ viij d̃
The Scule hous maill - - - xx ℔
To the Doctour of the Grammer Scule quha teichis under the Maister vj bollis victuall and vj ℔ xiij s̃ iiij d̃ of silver.

for the uphald of honeste and polecy within burgh &c. &c. &c. And that all Provestis baillies and aldermen of burrowis bring yerelie to the Chekkir at the day sett for geving of thare comptis thare compt bukis of thare commoun gudis To be sene and considerit be the Lordis Auditouris gif the samin be spendit for the commoun wele of the burgh or nocht under the panis forsadis And that the saidis Provest bailleis and aldermen of every burgh warne yerelie xv dais befor thare cuming to the Chekker all thai quha likis to cum for examyning of the saidis comptis That thai may argwne and Impugne the samin as thai plesis sua that all murmour may ceise in that behalf."—*Act. Parl.* II, 349.

Item to the Maister of the Musik Scule for teaching of the Musik Scule and taking vp of the psalmes in the kirk x bollis victuall and xiij ℔ vj ʒ viij ₰ of silver.
Item the maill of the Musick Schole - - viij ℔
1633, 1634—The same as in the year 1627–8.

BANFF.

1612—Item to the Maister of Scole for his fie - xl merkis
Item to his Chalmer maill and Scoile - - xx merkis
1622—Imprimis to our Maister of our Scholl - lxxx merkis
1628—Imprimis to the Maister of the Grammer Schooll liij ℔ vj ʒ viij ₰
Item for reiding of the prayeris and uptaking of the psalme xx ℔

BURNTISLAND.

1612—Item to the Readare for Reading of the prayeris xxxiij ℔ vj ʒ viiij ₰
Item for the Scholhous maill - - ix ℔
1621—The same as in the year 1612.
1627—Item to the Reidar for his stipend xxxiij ℔ vj ʒ viij ₰
Item to the Scholmaister for his fie - xxxiij ℔ vj ʒ viij ₰
1633—Item to the Reidar for his stipend - xxxiij ℔ vj ʒ iiij ₰
Item to the Scholmaister for his fie - lxvj ℔ xiij ʒ iiij ₰

CUPAR.

1575—Item to the Maister of the Grammer Scuill - xl ℔ƀ
1579—Item to the Maister of the Grammer Scole his fie and Chalmer maill - - - - xxvj ℔ xiiij ʒ iiij ₰
Item the Doctors fie - - xiij ℔ vj ʒ viij ₰
1581—Item the Master of the Grammer Scole for ane chalmer maill - - - xxvj ℔ xiij ʒ iiij ₰

Item the Doctors fie - - - xiij ℔i vj s̃ viij d̃
Item to the Maister of the Sing Scole fie - vj ℔i xiij s̃ iiij d̃
1627, 1628—Item to Mr Robert Williamson Maister of the Grammer Scoill of the said Burgh his yeiris stipend - jc ℔i
Item to Mr Johne Moreise Doctour at the said Scooll his yeiris stipend - - - liij ℔i vj s̃ viij d̃
Item to Mr Alexander Tyllideaphe Maister of the Musick Scool jc ℔i
Item to Johne Mitchell Doctour thairof - xxvj ℔i xiij s̃ iiij d̃

Craill.

1574—Item payit to the Maister of Scole quhilk wes of auld payit to the chaiplane of the rude altar - - xl s̃
Item payit for the Maister of the Scolis hous maill vj ℔i xvj s̃
1576—The same as in 1574 with this addition.
Item of the sowme of viij ℔i gevin to ane messoun for bigging of the Scoll - - - - Summa viij ℔i
1579, 1581, 1582—Item payit to the Scule Maister prebender of the Halie ruid service - - - iiij ℔i
1583, 1584—Item of the sowme of four pundis payit to the Scule Maister of the said burgh - - iiij ℔i
1622—To the Maister of the Skoill - iijxx vj ℔i xiij s̃ iiij d̃
To the vptaker of the Psalme - - xx ℔i
1628—To the Master of the School - jc ℔i

Cullen.

1628—Item to the Maister of Scoole - iij scoir ℔i
1634—Item to the Maister of Schoole - lxvj ℔i xiij s̃ iiij d̃

Dumbarton.

1577—Item to the Scholemaister of the said Burgh in augmentatioun

of the auld stipend becaus all things ar dar nor in tymes of auld and that he could nocht be better schape conducit - x ℔

DUMFRIES.

1590, 1591—Item to the Scholemaister - xx merkis
To the reaser of the psalmis - - l s̃
1627, 1628—Item to the Scoolemaister for his feall and chalmer maill lx ℔
1633, 1634—Item to the Schoole Maister for his feall and chalmer maill - - - - iij^{xx} ℔
To the readar and Maister of the Sang Schoole - iiij^{xx} ℔

DUNBAR.

1581—Item for the Minister and Skuillhouse maill in the yeir xviij merkis
1599—Imprimis to the Schulmaister - sex scoir pundis
1621—Item to Mr Alexander Home Scholemaister for his feall and hous maill - - - iiij^{c} lxvj ℔ xiij s̃ iiij d̃
Item to the teicher of the Inglische Schoole and musick j^{c} ℔
1627, & 1633—Imprimis to Mr Alexander Home Scholemaister for his stipend - - - - iiij^{c} ℔
Item for his hous maill - - - xl ℔
Item to the teicher of the Englische Schoole - xx ℔

DUNDEE.

1577—Item for the Scule maill to the bairnis - vj ℔
1582, 3—Item for ane part of the Maister of the Gramer Scholis stepand - - - xxx ℔
1602—Item to the Maister of the Grammer Scole ij merkis
Item to the Maister of the Sang Seule - lxxx ℔

1621, 1622—Item to Mr James Glyg maister of the Grammare Schoole for his hous maill - - - iij^{c} ℔
Item to Mr John Mow Maister of the Music Schoole for his fie and hous maill - - - ij^{c} ℔
1628—Item to Mr James Gleg Maister of the Gramer Schole for his fie and hous maill - - - iij^{c} ℔
Item to Mr John Mow Maister of the Music Scule for his fie and hous maill - - - ij^{c} lxvj ℔ xiij s iiij d
1634—The same as in 1628.

ELGIN.

1622—First to the Maister of the Gramer Scole lxvj ℔ xiij s iiij d
To the Master of the Music Scole - - j^{c} ℔
1632, 1633, & 1634—To the Maister of the Grammare and Musick Schuillis - - ij^{c} and xxx ℔

FORFAR.

1576—Item for kenning of ane skwill to the Maister x merkis
Item for the Skwill house maill - - iiij merkis
1577—Maister of the Scule - - viij ℔
1622—Item to our Scoul Maister - - xl ℔
Item the Schoull Maister hous - - xx merkis

FORRES.

1627—Item to our Maister of Schoole for teatcheing of the samyn lxxx ℔
Item to ane reider for reiding of the prayeris daylie in the kirk xx ℔

HADDINGTON.

1557—Item to the Scule Maister of fee - xx merkis
Item for Scule hous maill - - - xl s

Item to the Belman for praying for all cristyne saullis xiij s iiij d
1576—Item to Mr James Carmichaell for his Scule hous fie and his hous maill - - - xl ℔
Item to Maister James Carmichaell of the first termis payment betuix the toun and him of the ourgevin of the Scule - xl ℔
Item to ane boy to beir ane bill to the Minister of Lithqw, to try the conditioun and ordour of the Scule Maister - x s
1633—Item to the Master of the Grammer Schoole in feyall ij^{c} ℔

INVERKEITHING.

1628—Item to the Reider for reiding of the prayeris and attending on the Scooll - - - xxxiij ℔ xiij s iiij d
1634—Item to the Reader and Schoolmaister yeirly xxxvj ℔ xiij s iiij d

INVERNESS.

1576—Item to the Master of the Grammer Scule xxvj ℔ xiij s iiij d
1628—Item to the Master of the Grammer Schoil - iiij^{xx} ℔
Item giffin to the Master of the Music Scuil - xxxvj ℔
1634—Item giffin to the Master of the Grammer Scoil iiij^{xx} ℔

INVERURIE.

1633—Item for helping ane Scooll - xx ℔

IRVING.

1628—Item to our Scholemaister - - liij ℔
Item to our Doctour and Musiciner - - . . .
1633—Our Schoolmaister - - lxxx merkis
Our Doctour and Musiciner - - j^{c} ℔

Jedburgh.

1591—Item the Sculmaister - - xxx ℔
1592—Item the Maister of the Scules fie - xx ℔

Kinghorn.

1575—Item to the Redar and Maister of Scule xiij ℔ vj s̃ viij d̃
1576, 1577—To the redar - - xiij ℔ vj s̃ viij d̃
1581—Item to the schoilmaster and commoun clerk - xx ℔
1621—Item to Mr Thomas Biggar reidar for his fie liij ℔ vj s̃ viij d̃
1627, 1628—Imprimis to Mr Thomas Biggar reidar for his reidar fie in reiding the prayeris at the kirk of the said burgh liij ℔ vj s̃ viij d̃
Item to William Wells doctor of the scuill of the said burgh for guyding and keeping of the clock - - v ℔ xij s̃
1633, 1634—Item to Mr Thomas Biggar reidar at the Kirk of the said Burgh for his ordinar stipend - liij ℔ vj s̃ viij d̃
Item to the doctor of the schole of the said brugh for his fies xlix ℔

Kirkcudbrycht.

1634—Item to our Schoolmaister the said yeir for teiching in our Schuill and reiding in the kirk - - j ℔

Lanark.

1576—Item to our sculemaister - iij ℔ vj s̃ viij d̃
Item for mending of the Sculehous - l s̃
1599, 1600—Item to our scuillmaster for techinge the youith liij ℔ vj s̃ viij d̃
1621, 1622—Item to the Scholmaister - iij^{x} vj ℔ xiij s̃ iiij d̃

1627, 1628—Item to the Scholemaister of the said bruche that teiches the grammer for the saidis twa termes - jc ℔
Item to ane uther Scholemaister that teichis the musick iijxx vj ℔ xiij s iiij d
1633, 1634—In the first gevin to the schoolemaister - jc ℔
Item to the mwsichioner of the burgh - jc merkis

Lauder.

1594—Item to the Schoolmaster for his fey - xvj ℔
1621, 1622, 1633—In the first to Mr George Ewein Scholmaister of the said Burgh for his fey conforme to ane contract maid betuix him and us - - - - lx ℔

Linlithgow.

1575—Item deliuerit to the maister of the skull of the termes of Lammas and ahalowmes in anno lxxv ȝeiris - xxvj ℔ xiij s iiij d
1620, 1621—Item I discharge me with the ordinar expenssis of the said Burghe debursit be me the said termes and quhilkis ar in use to be payit yearlie To the Reidar Skuillmaster and utheris officeris within Burgh and pensioneris conform to the Guid tounes auld rentall therof extending in the haill to - - iiijc l ℔ xiij s iiij d

North Berwick.

1628, 1633—Item to our Scoolmaister - xx ℔

Peebles.

1608—Item to Mr John Young Skwilmaister for his yeirlie fie and chamber maill - - - jc ix ℔
Item gevin to the Doctowr of the Skuill - xvj ℔

1628—1634—Item gevin to our Scholmaister and doctour for their feyis ij^{c} l merkis

1634—In the first gevin to our Schoolmaister and Doctor for their yeirlie fies - - - - ij^{c} ℔

PERTH.

1575, 1576—Item to the Maister of the Grammer Skuill for learneing of the youth - - xxvj ℔ xiij ß iiij ₰

Item for deillis geistis and werkmanschip to the lofting of the Grammer Skuill - - - - xl ℔

1577, 1578—Item the Maister of Schoule xxvj ℔ xiij ß iiij ₰

Item the Redaris fe - - xvj ℔

1627—Item to Mr Henrie Adamsone reidar thair iiij^{c} iij^{xx} merkis

Item to Mr Johne Durward Maister of the Grammer Schoole ij^{c} l merkis

1633—Item to Mr Henrie Adamsoun reidar thair iiij^{c} iij^{xx} merkis

Item to Maister Johne Row Maister of the Grammer Scooll thair ij^{c} l merkis

RENFREW.

1633, 1634—Item in the first gevin to the Skuill Maister of the Grammer Skuill - - - j^{c} ℔

ROTHESAY.

1619—Item gevin for the maill of ane Scooll hous vj ℔ xiij ß iiij ₰

Item gevin out of the commoun purs to help to sustene ane Scoolmaister - - - xx ℔

1628—Item geawin for the maill of ane Schoolhous and of feall to our Schoolmaister - - xxvj ℔ xiij ß iiij ₰

1634—Item geavin to thair Scholmaister - xx ℔

Item for a Schoolhous maill - - viij ℔

Rutherglen.

1628—Item to the Schoolmaster of the said burgh for his fieall xx ℔
1633—In the first debursit to our Scuilmaster and redare xxxiij ℔ ß vj viij đ

St Andrews.

1626, 1627—Item to the publict reader - jc ℔
Item to the Maister of the Musik Scholl and for taking up of the psalme at preacheing and prayeris of fie - ijc ℔
Item to the Maister of the Gramar Scholl for his fie jc lxvj ℔ xiij ß iiij đ
1632, 1633—The same as in 1626, 1627.

Selkirk.

1606—Item to the Maister of the Scule and vnder Doctour l ℔
Item for the Scule maill - - x ℔
1627—Item to Mr Thomas Wilkie Schollmaister for his fie jc merkes
Item for the maill of the Scholl hous - x ℔

Stirling.

1576—Item to the Master of the Grammer Scuil fee xxxiij ℔ vj ß viij đ
1617, 1618—Item the Maister of the Schole - ijc merkis
Item the Doctour of the Schole - - xx ℔
Item for mending of the Schole - - xxiiij ℔
1628—Item to our reeder at the kirke in feall - ijc ℔
Item to our Maister of Schole - jc ℔
Item to our Doctors in the Grammer Scuile - lx ℔

TAYNE.

1620—Item payit to thair Reidar and Schoolmaister the said yeir iiij^{xx} ℔i

1622—Item payit to thair Redar and Schoolmaister the said zeir iiij^{xx} ℔i

1628—Item to Mr Thomas Ross Master of the Gramour Schooll j^{c} ℔ℓ

Item to Mr Johne Tullideff Reider and Master of the Musick Schooll j^{c} ℔ℓ

WIGTON.

1577—Item to the Scule Maister for techeing and uphalding doctryne to the yowth Summa thairof extendis to - vj ℔i xiij s̄ iiij đ

1620—Item to the Scholmaister of the said burghe iiij^{xx} ℔ℓ

1628—First to the Schoolmaister - iiij^{xx} ℔ℓ

Mair to him for reiding of the prayeris in the kirk xxxiij ℔ℓ vj s̄ viij đ

Item to ane Sclatter for uphalding the kirk Tolbuith and Scooll yeirlie xiij ℔i vj s̄ viij đ

1633—Imprimis gevin to ane Schoolmaister for teiching the Grammer Schoole reiding and raising the psalmeis in the kirk yeirlie iij^{c} merkis

EXTRACTS FROM ORIGINAL LETTERS OF GEORGE EARL OF MORTON TO HIS SON JAMES LORD ABERDOUR, AS TO PROCEEDINGS IN PARLIAMENT RELATIVE TO THE PORTEOUS MOB.

M.DCCXXXVII.

THE riot and murder, known by the name of THE PORTEOUS MOB, furnish one of the most recent instances in our history, of the "*perfervidum ingenium Scotorum*," being publicly displayed in acts at once of daring resistance to law, and of atrocious cruelty to an individual. The particulars of that occurrence, with many of the events which preceded and followed it, have, in THE HEART OF MID-LOTHIAN, and the Notes to that tale, been collected with accurate care, and recorded by an unrivalled pen. And this renders any narrative introductory to the following Extracts quite unnecessary.

The unusual magnitude of the crime, the skill with which it appeared to have been planned, the determination with which it was persevered in, and the shocking fate of the unhappy victim, all contributed to raise the strongest feelings of horror in the minds of well-disposed persons. The interval which had elapsed since the rebellion of 1715 was not so great as to prevent apprehensions on the part of the Government of a general disaffection, or at least of ulterior violence being

manifested by the populace of Scotland. Hence extraordinary pains were taken to sift the affair to the bottom; and a great excitement with regard to it prevailed, not only throughout Scotland, but also in the metropolis of the empire.

This the following Letters will in some measure illustrate. They contain an account of the proceedings in both Houses of Parliament, which followed these events; and this, though brief, is valuable for its very plainness and simplicity. It was communicated by a Nobleman in high estimation for his integrity and abilities, to his son, who afterwards succeeded him as Earl of Morton, at a time when the system of full Reports, by which the proceedings of Parliament are now so voluminously recorded, was totally unknown. To the kindness of the present Earl the Club is indebted for the use of the original letters; as it has been on former occasions for other interesting papers.

The petition to the Queen in favour of Porteous, which is printed from the original in the possession of the Society of Antiquaries of Scotland, is given, both as being in itself a curious document, and as embodying some palliating circumstances which led to the extension of the royal mercy to that unfortunate man.

LETTERS RELATIVE TO THE PORTEOUS MOB.

LONDON, 10*th February* 1736–7.

JAMES,

This day being appointed to take the Kings Speech under conſideration, the Lord Carthret moved that the houſe might be adjourned and turn'd into a Committee of the whole houſe, and then he made a long ſpeech upon the ryots and mobs that had been committed at ſundry turnpyiks in the Weſt and at Spitlefields; and then his Lordſhip expatiate upon the horrid mob and murder that was committed at Edinburgh, and even ſaid that it might take away the priviledges of the City, and propoſed that the Provoſt and Majeſtrates that were in place at that time ſhould be ordered to appear at the barr of the Houſe of Lords to give an account of their behaviour on that occaſion. He was anſwered by the Duke of Newcaſtle, who ſpoke as modeſtly as that horrid ſubject could bear, and the Lord Batters ſpoke and ſeconded Lord Carthret's; then the Earl of Ilay (who has not as yet recovered his late ilneſs) ſpoke in a very hanſom manner, and tho' he condemned the

horridneſs of that mob and the cruelty which they had committed, yet he ſpoke very ſtrongly againſt taking away the priviledges of the City, or removing the Court of Juſtice to another place, which was propoſed by the Lord that opened the debate; and then Lord Carthret made the motion that the Provoſt and Majeſtrates that were in office at that time, and the officer that commanded the Town Guaird, ſhould be ordered to appear at the barr of the Houſe of Lords to anſwer ſuch queſtions as ſhall be aſked at them, and that General Miles ſhould be ordered to appear at the ſame time, and a true copy of Captain Porteous's tryal, and the orders that were ſent down after that mob ſhould be laid before the houſe, which was ſeconded by Lord Batters, and was carryed, and they are appointed to appear this day moneth. By this you'l ſee what a dilemma that vilanous mob has brought upon our nation, and the City of Edinburgh in particular, and God knows what length it will be carryed. I wiſh to God the Majeſtrates may be able to make a diſcovery of the ringleaders, which I perceive will be the only thing that can obtain them and that ancient City favour. I give you all my bleſſing, and am

Your affectionate Father,

MORTON.

LONDON, 15*th February* 1736–7.

JAMES,

I believe before this time that the warrand for ordering the Provoſt, Baillies, and Captain of the Town Guard of Edinburgh, (to appear at the bar of the Houſe of Lords) will be arrived,

which I fuppofe will lay the courage of your mob vindicators and encouragers, for the Peers are refolved to be at the bottom of it.

I am forry to have it to tell you that yefterday's morning my Lord Chanceller dyed, of five days ilnefs, of an inflammation in his ftomach, which is as great a lofs to this nation as could come by the death of any fubject, for there is not a man in England that can fupply his place for a learned, upright, honeft, and juft Judge, and who is lamented by every body. The King is much better this day, and the Duke of Newcaftle, Sir Robert Walpole, my Lord Herrington, and his Secretary of War, were with him this forenoon. * * * * *
I give you all my blefling, and am

Your affectionate Father,

MORTON.

LONDON, 5*th March* 1736–7.

JAMES,

I had yours of the 26th ultimo, and hear that Captain Linn came to town two or three days agoe, and Mr Irvin and fome others came fince, but the Majeftrates were not come this afternoon, but am told they will be here to-morrow; and I fuppofe the minifters will forgive them for traveling on Sunday, being a cafe of neceffity, but how they will mannage their matters it's more than I know; but you may believe that a fett fpeech will not do their bufinefs, for there are fome Lords defigns to have them examined very ftrictly, but I hop that nothing will appear that can hurt the priviledge of the City,

and I realy believe it will not appear that the Majeſtrates have been anywiſe concerned in encourageing the mob, and that their only crime is being deficient in their duty, in not exerting themſelves in time to ſupreſs that mob, which I realy think was occaſioned from ignorance and fear; as for Linn, I doubt not but he will vindicat himſelf, tho' it is not doubted but he muſt certainly know ſome of thoſe that were active among the mob, but a litle time will clear us of this. * * * * * I give you all my bleſſing, and am

Your affectionate Father,

MORTON.

LONDON, 8*th March* 1736–7.

JAMES,

I have yours of the 1ſt by yeſterday's poſt, with an account of the Maſter of Roſs's ilneſs, which I am heartly ſorry for, and wiſh him a good recovery, for I have reaſon to believe that one will ſucceed him that will not fill his place. * * * * I ſuppoſe you have heard that Lord Bute is to ſtand for the 16 Peer in room of the Earl of Orkney. Yeſterday the houſe of Peers were upon the Duke of Athole's claim, to the tytle of Lord Barron Strange, as the next heir to it, which he carryed unanimouſly; ſo that he and his ſucceſſors will ſit as a Peer for England in the Houſe of Lords for ever. * * * I hear our Majeſtrates are all come to town, and muſt make their appearance on Thurſday next. * * * I give you all my bleſſing, and am

Your affectionate Father,

MORTON.

LONDON, 10*th March* 1736–7.

JAMES,

Yeſterday I received yours of the 3d, &c. * * *

This day the Majeſtrates of Edinburgh, and others that were ſent for, were called to the bar of the Houſe of Lords, and ſwore, and afterwards were ordered to withdraw, and the houſe went into a Committee of the whole houſe; the Provoſt was called to the bar and examined upon ſeveral queries given in by the Lord Carthret, and ſeveral queſtions aſked him by other Peers; the examination continued till near 7 o'clock, and realy he behaved very well, and much better than was expected; the debeat is adjourn'd till Wedenſday next, and then the reſt will be taken to taſk, and I doubt not but they will behave as well as the Provoſt did, ſo I hop they will come much better off than was expected; but there was a motion made that Lieut.-General Wade, and Provoſt Linſay, ſhould aſk lieve from the Houſe of Commons to be examined: I reckon it will be a pretty tedious buſineſs before we end it.

* * * * *

I give you all my bleſſing, and am

Your affectionate Father,

MORTON.

LONDON, 17*th March* 1736–7.

JAMES,

* * * I have been laid up with the gout ſince Saturday laſt, and was not able to goe and hear the Majeſtrates examined yeſterday, but this day (tho' very lame) I went in

my clok to the houſe, and heard Captain Lind examined, who anſwered very diſtinctly and very pointedly, but differed in ſeveral queſtions from the Provoſt; and I am affraid that the poor Provoſt does not ſtand in ſo good a light as he did; others are to be examined to-morrow, and if I am able I'll venture out. * * * I give you all my bleſſing, and am

Your affectionate Father,

MORTON.

LONDON, 19*th March* 1736–7.

JAMES,

Yeſterday Provoſt Lindſay was examined at the bar, who gave very diſtinct anſwers, which were as favourable for the conduct of the Magiſtrates and himſelf as the nature of the thing would bear, but it ſtill appeared they were very negligent and difficient in their duty in not ſuppreſſing that vile mob. General Miles was examined nixt, who ſaid very much for his own vindication, and bleamed the Majeſtrates and Mr Lindſay for not bringing a written order to him, and certainly they were to bleam, ſeeing he had all the ſogers about the town in readyneſs at the Canongate Guard to march, before Mr Lindſay came to him, but theſe two differed in ſome reſpects: General Wade is not yet examined, but will on Tueſday firſt, but I think it ſeems to be agreed on all hands, that the Majeſtrates have been very deficient, and I am affraid the Provoſt will not come off ſo well as I would wiſh him. A litle after the Commitee was up and the houſe reſumed, to our great

ſurprize Lord Lovel moved, that the Lord Juſtice Clerk ſhould be ſent for, which occaſioned long debeats, it being an unprecedented thing to ſend for a Judge without giveing a reaſon, and the Lord Chancellor himſelfe ſpoke againſt it, and ſhew'd the unreaſonableneſs of it; then it was propoſed to delay it at that time, and that it might be taken up afterwards, but this they would not yield to; and ſeverals of the Court party differted us, but at the diviſion we carryed it, but I believe that it will be moved again to ſend for him. I give you all my bleſſing, and am

Your affectionate Father,

MORTON.

LONDON, 22*d March* 1736–7.

JAMES,

I have yours of the 15th. I cannot tell you what to think of the Duke of Athol's being made an Engliſh Peer, ſeeing I don't hear of any Scots Peer being to be elected in his room at this time, but I cannot give you the reaſons, I not haveing heard as yet what they are that are given for it. I have been pretty much out of order of late by a fit of the gout, and pains in my ſhoulders, tho' I was oblidged to goe to the Houſe of Peers this day, where I heard Colonel Durure, Major Pool, and General Wade examined, which continued near five hours; they do not make for the Majeſtrates: I ſuppoſe you'l ſoon hear that Lord Milton, Lord Royſton, and Lord Dun are ordered to attend the houſe, which motion was made yeſterday

by the Duke of Newcaſtle, which if it had not, I believe the other party wou'd have moved this day to have brought Lord Milton by himſelf; and as the houſe was riſeing it was moved to ſend for Mr James Graham, Jun., which was occaſioned by ſomething that Major Pool told of a diſcourſe that happened betwixt him and Mr Graham, upon Captain Porteous's wryting a letter to the Major, to ſtay 'till his tryal was over, which Mr Graham ſaid he would ſpeak to the Advocat about, and that the Advocat told him he might goe, and that he would allow the evidence he gave to be admitted in the tryal, which I can hardly believe; and upon this Mr Graham is ordered to attend Monday comes three weeks, which I think is very hard upon him. * * * * I give you all my bleſſing; Is all I have time to ſay to-night, but am

Your affectionate Father,

MORTON.

LONDON, 24*th March* 1737.

JAMES,

I have yours of the 17th. * * I fancy by this time the Jury has brought in their verdick againſt M'Lauchline, tho' he is indicted for high Treaſin, as well as other crimes: To-morrow all the evidence that was given at the bar is to be read to the houſe, and then the conſideration will be adjourned for ſome time, and I believe till the Lords of Juſticiary come up. * * * I give you all my bleſſing, and am

Your affectionate Father,

MORTON.

LONDON, 26*th March* 1737.

JAMES,

I have no news to write you to-night, but that on Thurſday laſt the depoſitions of the Majeſtrates of Edinburgh, Colonel Durure, Major Pool, and General Wade, were read before the houſe, and the conſideration of them is to be taken upon Thurſday next, which realy comes out pretty ſtrong; and it was moved by a Lord, that the Provoſt ſhould be ſent to Newgate, for prevaricating in his examination, but the conſideration of the whole having been put off till Thurſday, it was let drop 'till the whole was before them, and then I am affraid they will be heavy on his Lordſhip and ſome of the Magiſtrates: I heartly wiſh we may have the account of M'Lachline's being condemn'd before that day come; otherways, we ſhall be all affronted, and make good the paragraph of General Miles's letter, wherein he aſſerts to the Duke of Newcaſtle that no Jury will condemn any of Porteous's murderers, that are tryed in Scotland; I ſhall bring you down a coppie of the heall afidavats, which I have been at the expence to cauſe write out. * * *

I give you all my bleſſing, and am

Your affectionate Father,

MORTON.

LONDON, 29*th March* 1737.

JAMES,

* * * That unhappy affair of Porteous's is like to keep us long togither: It was indeed ſurprizing to every

body to hear that M'Lauchlean has got off for want of evidence againſt him, and I am affraid it will be of ill conſequence to the Majeſtrates, whoſe affair is to be before the Houſe of Lords Thurſday next; I admire they ſhould have tryed this fellow without haveing clear evidence againſt him, for it has brought a ſcandall upon the whole nation, and God knows what the conſequence may be; it has made good what General Wade and Miles wrote to the Duke of Newcaſtle, that no Jury in Scotland would condemn any that were concerned in the murder of Porteous, and I now make no doubt but all England believes it. * * * *

I give you all my bleſſing, and tell Sholto that I hear he is a very good child. I am

Your affectionate Father,

MORTON.

LONDON, 2d *April* 1737.

JAMES,

Yeſterday the Edinburgh affair came before the Houſe of Lords, and I herewith ſend you a coppie, (which I had from one of the Clerks of Parliament) of the motions and reſolves which paſt yeſterday, which occaſioned long debates and ſpeeches; and M'Lauchlan's being aſſoilzied has occaſioned a great ſpight againſt the provoſt. It ſeems ſome days agoe it was reſolved to puniſh the Provoſt, and not to medle with the reſt of the Magiſtrates, and it was agreed by the whole houſe that he ſhould be puniſhed, but they differed in the method of doing of it: The Duke of Argile ſpoke twice ex-

traordinary well, and expreſt his indignation againſt the horrid mob, and the neglect of the Provoſt for not uſeing proper means to prevent it, but was not for having the puniſhment by a bill, he thinking bills of that nature might be of ill conſequence to the priviledges of the Houſe of Peers, but ſaid, he thought it might be done after another manner, but as a bill was thought the beſt method, it was carryed as you'l ſee by the incloſed; and the Duke of Argile voted againſt that method, as did the Duke of Athole; Earl Iſlay withdrew, Earl Selkirk was abſent, Earls Crawfoord, Findlater, Dunmore, Bredalbean, Laudan, Cathcart, and myſelf were for the bill. The Duke of Buckleuch and Portmore were in the country. All thoſe that voted againſt the bill, except the two Scots Peers, ſeem'd to be for having the puniſhment higher, and Earl Straford propoſed to have the Provoſt ſent to Newgate: This will occaſion the Parliament to ſit a long time, for it muſt be all tryed of new, and witneſſes examined, and its probable the Houſe of Commons may deſire to have witneſſes examined before them, ſo the Provoſt may have a chance, for the Lords will not allow the Commons to make the puniſhment greater, as ſome Lords would have been at. I underſtand John Drummond writes to his brother William, but I doubt if he will get a coppie of this which I ſend you, therefore may ſhew it to him, or any other of your friends you pleaſe; and if Willy Martin fall in your way, may ſhew it to him likeways, if you find that he has not ſeen any other of them. I give you all my bleſſing, and am

Your affectionate Father,

MORTON.

LONDON, 5*th April* 1737.

JAMES,

Laſt night I had yours of the 29th ultimo, and likewiſe yours of the 22d, wherein you mention ſomething of M'Lauchlan's being acquitted, which came ſafe to hand; and I don't doubt but Pitcur may have likewiſe received his letter before this time, for letters will fall by ſometimes for a poſt, and yet come by the next. * * * This day the Provoſt's bill was read the firſt time, and is appointed to be read the ſecond time on the 3d of May, when the tryal will begin of new; the Provoſt is allowed to ſummond witneſſes, and will alſo be allowed council, and it's poſſible that the Commons may either reject it, or make ſome amendments, which the Houſe of Peers won't agree to.

I give you all my bleſſing, and am

Your affectionate Father,

MORTON.

LONDON, 16*th Aprile* 1737.

JAMES,

* * * Yeſterday I was viſiting our three Judges, who have made a ſafe journey, and ſeems to be in very good health and ſpirit. I don't ſee how the Houſe of Peers can trouble them, but am affraid the Houſe of Commons will be very hard on poor Lord Milton, on account of impriſoning ſome of the Majeſtrates of Haddington at the laſt election. * * * I give you all my bleſſing, and am

Your affectionate Father,

MORTON.

LONDON, 19*th April* 1737.

JAMES,

* * * I am affraid it will be the midle of June before I reach Edinburgh. Our three Scots Judges are to make their appearance in the Houſe of Lords upon Thurſday 7 night, and I am told they are to do it by a write from the King, and will ſit upon the Wool-Sacks with the Engliſh Judges, which will be the moſt honourable way of bringing them there, and I ſuppoſe they will appear in their gowns; I wiſh they may come off with as much honour at laſt, as I hop they will. Upon Thurſday next Porteous's tryal (which is printed) is ordered to be read to the houſe, and is to be taken to conſideration upon this day 7 night, where it will be debeated; this day our Lord Provoſt was admitted to beal, and Mr Blackwood and Mr Claud Johnſton are his two beals, each of them is bound in £1000, and the Provoſt himſelf is bound for £2000. * * * * I give you all my bleſſing, and am

Your affectionate Father,

MORTON.

LONDON, 26*th April* 1737.

JAMES,

I have yours of the 19th, with one incloſed for Colonel Charles, which I ſent to him. I am ſtill troubled with the pain at my ſtomack, tho' I am eaſier than when I wrote you laſt; and likeways I am troubled with rheumatick pains in my ſhoulders and arms, which I have had leſs or more ſince before I came from Scotland, which I was in hopes to have

got carryed off by drinking goat-whey, but I have now given over hopes of it, it being thought that the Parliament wont riſe till the latter end of June, or beginning of July, and all this is owing to your curſed mob. This day the Houſe of Peers was upon the conſideration of Porteous's tryal, which occaſioned many and long debates, and continued till 8 at night, and then the furder conſideration of it was adjourned to Friday: Our Judges have not as yet been called to appear before the houſe, nor do I hear that it is as yet determined in what manner they are to appear. I am very fatigued, and can ſay no more, but my bleſſing to you all. I am

Your affectionate Father,

MORTON.

LONDON, 3*d May* 1737.

JAMES,

* * * Yeſterday we had a long debate about the manner our Judges ſhould appear, and it being found by the Records of Parliament that never any Judges that were called by the Peers had been alowed to ſit among Engliſh Judges, but one ſingle inſtance of two that had been Judges who were called by the Convention at the Revolution, and afterwards were diſmiſſed, and never allowed to come to the houſe again; but it appeared upon many occaſions that the Keepers of the Great Seall, the Chanceller of Exchequer, always appeared at the bar, and even the great Lord Chief Juſtice Holt being once called appeared likeways at the bar; ſo it was put to the vote, and it carryed that they

ſhould come to the bar, 48 againſt 37, ſo they were uſhered in by the Keeper of the black rod, and chairs ſet for them, tho' they had no occaſion to ſit down, and every queſtion that was aſked at them were put in writing, and joining their heads together. Lord Dun, who was appointed to anſwer firſt as being youngeſt, gave his anſwer, and next Lord Royſton, and then the Juſtice Clerk, and they all anſwered very exactly to every queſtion as they were put to them; ſo they were ordered to withdraw, upon Lord Carthret's moveing that ſome of our laws might be altered, and further propoſed that Engliſh Judges and our Judges ſhould conferr together, and prepare a bill againſt next year, to be brought in for that purpoſe, and I don't hear that they will be called again. This day being appointed to read the Provoſt's bill a ſecond time, he was brought to the bar of the houſe, and the council for the King opened the caſe againſt him, and propoſed to call witneſſes, but it being late the houſe adjourn'd 'till to-morrow at 11 of the clock, and then we ſhall have a pretty long day of it: The Duke of Argile moved three different queſtions in relation to what part the officers of the army were to act upon being commanded with a party to ſee the ſentence of the law put in execution when a criminal was ordered to be hanged at Stockſmercat, or any other town in England, in caſe a mob attacked them, and likeways how they were to behave in caſe a mob drew themſelves up in a narrow place to ſtop them from getting forward to the place of execution; and the third queſtion was much to the ſame purpoſe, and the Judges were ordered to give their opinion; and then it was moved by ſome Engliſh Peer, that the Scots Judges that are here ſhould give their opinion how

the laws of Scotland ſtood in relation to theſe queſtions that were moved by Duke of Argile, but Earl Ilay moved that the Judges ſhould goe firſt to Scotland, that they might conſult their law books, and diſcourſe their brother Judges upon it, and then to return their opinion in writing; ſo with a good deall of debate this was yielded to, and I hop you'l get our Judges ſoon home. * * *

I ſend you all my bleſſing, and am

Your affectionate Father,

MORTON.

LONDON, 10*th May* 1737.

JAMES,

* * * The Provoſt's bill was read a ſecond time yeſterday, which Lord Crafoord made a ſpeech againſt, and it is to be in the Committee to-morrow, and you may depend it will paſs our houſe in ſpite of us all; but that which concerns me moſt is, that we cannot prevent the guards being taken away, and the Natherbow ports pull'd down, and I am affraid it will likeways paſs the Houſe of Commons, tho' ſome people will have, that they will through it out. I give you all my bleſſing, and am

Your affectionate Father,

MORTON.

LONDON, 12*th May* 1737.

JAMES,

* * * Yeſterday the Provoſt's bill paſſed the Committee, and is to be read a third time to-morrow, where

we will have a full diviſion, and I doubt if there will be any body againſt it but the Scots. I give you all my bleſſing, and am

Your affectionate Father,

MORTON.

LONDON, 24*th May* 1737.

JAMES,

* * * The Provoſt's bill (as they call it) is appointed to be read a ſecond time to-morrow, and then the fate of it will be knowen, 'tho I make no manner of doubt but it will paſs, and I am told they deſign to lay a fine on the town or the Provoſt for the behoof of Porteous's widow: At preſent it ſeems to be very uncertain when the Parliament riſes, for the midle of June is reckon'd to be the ſooneſt, ſo I don't expect to have the pleaſure of drinking goat-whey this year.

I give you all my bleſſing, and am

Your affectionate Father,

MORTON.

LONDON, 26*th May* 1737.

JAMES,

Laſt night I had yours of the 19th. Yeſterday being appointed for reading of the Provoſt's bill a ſecond time in the Houſe of Commons, after ſome debate, it carryed to be read by 146 againſt 99, and the houſe is to goe into a Committee upon it next week; ſo you need make no doubt but it will

paſs the houſe; and I believe with ſome more clauſes added to it than it had when it paſſed the Houſe of Lords: I believe there will be a proviſion made for appointing a method to keep the peace of the town, 'tho not by a guard of ſouldiers with red coats and guns. * * * *

I think of nothing elſe to ſay at preſent, but my bleſſing to you all. I am

Your affectionate Father,

MORTON.

P. S. * * I almoſt forgot to tell you that all the Scots Members voted againſt the reading the bill a ſecond time, except Brigadier Anſtruther, and Brigadier Robert Murray, who repreſents an Engliſh Burgh.

TO THE QUEENS MOST EXCELLENT MAJESTY,

The Humble Supplication of the Noblemen and others underwritten,

SHEWETH,

That Wee, his Majeſtys moſt dutyfull and loyall Subjects hereto ſubſcribing, doe with the moſt profound reverence and ſubmiſſion beg leave in humble manner to lay before your Majeſty,

That John Porteous, late Captain Lieutenant of the City Guard of Edinburgh, was indited by His Majeſty's Advocate Generall, ffor having, while he the ſaid John Porteous was

attending the execution of Andrew Wilſon, with a detachment of the guard of the ſaid City under his command, fired himſelf, and given orders to the men of the guard to fire upon the multitude aſſembled at the ſaid execution, whereby ſeverall perſons were killed and wounded.

That the Jury ſett upon him, after evidence adduced, did find ſpeciall in manner following, viz. FOUND IT PROVEN that the ſaid John Porteous fired a gun among the people aſſembled at the place of execution and time libelled, As alſo that he gave orders to the ſoldiers under his command to fire, and upon his and their ſo fireing, the perſons mentioned in the Inditement were killed and wounded. AND FOUND it proven, That the pannell, *i. e.* John Porteous and his guard, were ATTACKED AND BEAT with ſeverall ſtones of conſiderable bigneſs, whereby ſeveralls of the ſoldiers were bruiſed and wounded.

That upon the return of this verdict the High Court of Juſticiary did condemn the ſaid John Porteous to be hanged upon the eight day of September nixt.

That Wee doe with the utmoſt humility and reverence beg leave to ſubmitt it to your Royall wiſdom, whither there are not ſome circumſtances attending the caſe of the ſaid John Porteous that may plead our excuſe for thus preſenting him to your Majeſty, as a proper object of the Royal Clemency; and whither, if the ſentence aforeſaid ſhall be executed to the rigour, it may not encourage wicked and evill diſpoſed perſons to adventure upon reſiſting the juſt execution of the laws. And THEREFORE, if in reſpect of the attack upon the guard ſo found proven by the Jury, the ſaid John Porteous may not

merit ſome mitigation or commutation of the ſentence pronounced againſt him.

MAY IT THERFORE pleaſe your Majeſty to take the premiſes under your Royall conſideration, and to give ſuch relief as to your Majeſty in your Royal wiſdom may ſeem meet.

SALTOUN.

Hew Dalrymple of Drummore.
Cha. Fraſer of Inveralachie.
Alexander Fraſer, Maſter of Saltoun.
Geo. Skene of that Ilk.
Alexander Udny of Udny.
A. Burnett of Leyes.
Tho. Forbes of Echt.
Arch. Grant of Monymuſke.
Rot. Burnett of Sauchen.
Geo. Burnett of Kemnay.
Jo. Arbuthnott of Fordoun.
Phil. Foulerton of Philpſhal.
A. Fraſer of Powis.
John Irvine of Drum.
J. Foulerton of Cowie.
Arthur Forbes of Craigievar.
Al. Gordon of Pitlurg.
Will. Forbes of Deſblair.

ACTS STATUTES AND OTHER PROCEEDINGS OF THE PROVOST BAILLIES AND COUNCIL OF THE BURGH OF EDINBURGH.

M.DXXIX—M.DXXXI.

LIBER STATUTORUM BURGI DE EDINBURGH DE MANDATO MAGISTRI ADE OTTIRBURNE PREPOSITI BALLIVORUM ET CONSULUM EJUSDEM OCTAVO DIE MENSIS OCTOBRIS ANNO DOMINI MILLESIMO QUINGENTESIMO VICESIMO NONO.*

Broustarris.—It is Statute and Ordanit be the Provest Ballies and Counsall That na brouster na dry tapstar in this burgh tak apone hand to sell ony derrar aill fra Monunday furth at nixt cummys na xvi d the galloune and at it be gud and sufficient aill of the price forsaid commonlie tilbe sauld till all the Kingis liges vnder the pane of viij s for the first falt the secund falt deling of thair aill and the thrid falt to bring thar caldrone or kettellis to the crose and ding thame throw with ane puncione and spane thame fra the operatione for yer and day.

* This Book of the Statutes of the Burgh of Edinburgh composes the second part of a Volume lately discovered. It contains many curious Acts relative to the regulation of weights and measures, to the sickness of pestilence, and other matters regarding the general police of the Burgh, beginning October 8, 1529, and ending July 7, 1531. Their general importance have made them to be thought worthy of a place in this Miscellany. The first part of the Volume, termed on the margin the "Nichtbourheid buik," is entituled, "*Liber Actorum et decretorum Decani Gilde burgi de Edinburgh super liniationes terrarum infra dictum burgum confect. in tempore Joannis Adamsoun decani Gilde dicti burgi In anno domini Millesimo quingentesimo vicesimo nono.*" It begins April 29, 1529, and ends June 29, 1557.

Baxtarris.—Item it is statute and ordanit be the prouest ballies and counsall that all baxtaris within this burgh baik thar braid gud and sufficient stuff weill bakin and dryit and at the ij đ laif wey xviij vncis and the brovne breid efferand tharto wnder the pane of ane wnlaw the first falt and fra thine furth deling of thar breid And that na Hukstar within this toune tap nor sell ony quhite breid in for buthis fra Monunday furth vnder the pane of eschaeting of the breid and bannasing of thaim the toune and at ilk baxtar haif bot ane buth to sell his breid in allanerlie and his awin merk apone his breid.

Candilmakaris.—Item it is statute and ordanit be the prouest ballies and counsall that all maner of parsonis Candilmakaris within this burgh that thai mak thair candill that thai sell till our Souerane Lordis legis of gud and sufficient stuff baith weyk and tallone and sufficient werkmanschip and at thai sell the pund thairof commonlie for vj đ the rag weyk and v đ the lib the hardis weik and at thai haif thair ballandis and wechtis baith les and mar and be redy till sell the samyne in pundis and half pundis in houssis and vtouth gif thai pas apone the hie gait vnder the pane of viij s for the first falt and the secund falt eschaet of thair stuff and the thrid falt spanyng of thar operatione and quhen thai pas throu the tovne that thai be honestlie tursit vnder the panis forsaid and at na candilmaker melt thair tallone on the foirgait vnder the said panis.

Stabillaris.—Item it is statute and ordanit be the prouest ballies and counsall that all maner of Stabillar within this burgh haif thair stabilis weill and sufficient furnest with hek and mangear with sufficient lokis for the durris for sure keiping of the horsis that stabillis with thame and sall sell thar best corne that wilbe mell till all our Souerane Lordis legis for vj đ the pek and the secundar for v đ the pek and at thai sell the stane of hay for iiij đ the stane under the pane of viij s for the first falt the secund falt eschaet of the stuff and the thrid falt spanyng fra

thair operatione and that thai tak na stabill fee fra the personis that lugis with thame thai byand thar corn and hay fra the said stabillaris and at na maner of personis except stabillaris by nor sell ony aittis or hay to sell and regrait to the Kingis liegis vnder the pane of eschaeting of the stuff and bannasing of the toune.

Pultre and wyld foule.—Item It is statute and ordanit be the prouest ballies and counsall for the commoune weill of this burgh and all our Souerane Lordis liegis reparand tharto that all maner of personis that sellis pultrye duelland within this burgh or vtouth reparand tharto with syk stuff to sell in tyme cummyn that thai bring thar stuff forsaid pultre and wylde meit opinlie to sell at the merkat corse and nocht to be haldin in covert under cloikis or gounis nor yit in thar houses bot commonlie tilbe sauld till all thair Souerane Lordis liegis and euery day heirfor to be ane merkate day at the merkat corse and nane vther place and at thai begin thar merket betuix viij and ix houris befor none and sa continew quhill xij houris and at twa howris efternone and to continew quhill v houris at evin in winter and quhill vij houris in somer and the strangeris bringand syk stuff to the merkat and out duellaris till haif the merkat dalie siklyke and at na nychtbowr man or woman by fra the strangeris priualie or oppinlie to sell or regrait agane ony maner of wyld foull or tayme nor at nane pas out of the toune to by ony wyld foull or tayme to regrait agane be the space of vj milis vnder the pane of bannasing of the toune and eschaet of thar stuff that beis fund with thame and at nane of the saidis regratoris be sene in the merkat amangis byaris and sellaris of wylde or tayme foule vnder the saidis paynes.

Fische.—Item It is statute and ordanit be the prouest ballies and counsall that na maner of persone man nor woman regrait nor by ony fische to tap nor sell agane to the nychtbouris of the toune nor to our Souerane Lordis liegis quhill xij houris be struikin and fra ane hour

efter none quhill vj houris at evin vnder the pane of bannasing of the toune and at na syk personis pas out of the toune to the portis or vther placis to by ony fische to regrat agane vnder the said payne.

Regratouris.—Item that na maner of parsone man nor woman regratouris of fische eggis butter cheise frute or vther syk stuff hald ony maner of burdis or cramis to sell syklike stuff apone the hie gait nor vnder staris bot in thar awin house fra this tyme furth vnder the pane of bannasing of the tovne and at nane of the saidis regratouris be sene in the merkat amangis byaris or sellaris on to the tyme of the saidis houris of xij at none and quhill vj houris at evin be past wnder the pane of bannasing and at na regratour by ony butter or cheise bot on the merkat day and nocht quhill xij hours be strakin at none vnder the pane of bannasing.

The statute to haue wappinis redy in buthis.—Item because in tymes past thar has bene slauchteris and murthoraris committit within the tovne in defalt of the officiaris and nichtbouris that rysis nocht to resist and pvnise the samyne to the gret sclander and diffamatioune of the toune makand it to be fre to all syk mischeiffis.

Heirfor it is statute and ordanit that euery merchand and craftisman haiffand thair foir buthis that thai haif in thair said buthis ane ax or twa or thre efter as thai haue seruandis and to cum incontinent to the provest or ballies reddy to fortefy and manteine thar our men and justice and quha that has nocht the said wappinnis fra Monunday furth nixt to cum and is nocht reddy to cum to thair oure men incontinent as said is to pay to the commone werkis of the tovne xl ß for the first falt and for the secund falt gif he be ane man of substans to pay x ℔ to the commone werkis of the tovne and for the thrid falt tyne his fredome And gif he be ane man that has nocht substans and may nocht pay the said

wnlawis to tyne his fredome for yeir and day and forther induring the townis will.

That na broustaris nor regratouris be tholit.—Item It is statut and ordanit be the prouest ballies and counsall that na maner of broustaris nor regratouris be tholit within this tovne bot thai that ar kend honest and substancious personis fra Monunday furth nixt to cum bot thai that sall be admittit be the provest ballies and counsall vnder the pane of bannasing of the toune.

The Meill Market.—Item It is statute and ordanit be the prouest ballies and counsall that na maner of personis man nor woman that bringis ony meill to this market within this tovne stryk vp the samyne quhill ix houris befor none and at na persone house the samyne within housis quhill iiij efter none be strykin ilk day vnder the pane of eschaet tharof and at na metteris of meill mak ony metting tharof within this toune bot at the awnaris of the said meill met the samyne thar self till all our Souerane Lordis liges vnder the pane of bannasing and at na personis man nor woman regrait nor by meill to sell the samyne agane in smallis vnder the said panis of bannasing.

Decimo Octobris nno V^c^ *xxix*^no.^

Bikkyrringis betuix Barnis.—It is statut and ordainit be the prouest ballies and counsall Forsamekle as thar has bene gret bikkyrringis betuix barnis and followis in tymes past and diuerse thar throw hurt in perrell of thar lyffis and gif sik thingis be usit thar man diuerse barnis and innocentis be slane and diuisione ryse amangis nychtbouris tharthrow Heirfor We charge straitlie and commandis in our Souerane Lord the Kingis name the prouest and ballies of this burgh that na sic bykkyrrandis be usit in tymes to cum certifing that and ony persone be fund bykkyrrand that

thar faderis and masteris sall ansuer and be accusit for thar deidis and gif thai be vagabondis thai to be scurgit and bannist the toune.

Regraiteris.—It is statute and ordainit be the prouest ballies and counsall of this toune Forsamekle as it wes statut that na maner of persone man nor woman regraite nor by ony fysche to tap nor sell agane to the nychtbouris of this toune nor nane vthir our Souerane Lordis liegis quhill xij houris be strikin and fra ane hour efter none quhill vj houris at evin vnder the pane of bannasing Nochtwithstanding Margret Clapane has contempnandlie brokin the said statute and coft osteris this day to regrait agane in contrar the said statutis maid tharapone Quharfor the prouest ballies and counsall bannsis the saidis Margret Clapane this toune indurand thar willis and nocht to cum tharintill in the mein quhill vnder the pane of bannasing for all the dayes of hir lyff and till removf within xxiiij houris vnder the said pane.

Aganis bying of wyld foule.—The quhilk day It was statut and ordanit be the prouest ballies and counsall of this tovne that na maner of persone man nor woman duelland within this toune by fra ony strangearis priuatlie or oppinlie to sell or regrat agane ony maner of wyld foule or tayme vnder the pane of bannasing of the tovne and eschaite of thar stufe that beys fundin with thame nochtwithstanding William Cawder has contempnantlie brokin the said statutis and coft certane pluveris and vther wild meit incontrare the said statutis quharfor the saidis prouest and ballies banisis the said William this toune enduring thar willis and nocht to cum tharintill vnder the pane of bannasing for all the dayes of his lyff and till remouf within xxiiij houris.

Jonet Broune banist for euer.—Jonet Broune for hir demeretis is bannist this toune for all the dayes of hir lyf and neuer to cum tharintill vnder the pane of deid and to remouf incontinent vnder the said pane.

Relaxatione Agnes Turnour.—The quhilk day in presens of the prouest Robert Henrysone is becuming souirte for Agnis Turnour that scho sall obserf and keip the statuttis of the toune and at scho sall by na aittis to tap nor regrat agane till our Souerane Lordis liegis in tyme to cum efter the forme of the said statutis vnder the pane of xx li.

xv Octobris Anno Domini I^{m} V^{c} *xxix.*

Agnes Turnour Alison Home Janet Bell Male Persone and Cristan Reynaldsone bannist.—The quhilk day forsamekle as it wes statut and ordanit be the prouest ballies and counsall that na maner of personis man nor woman suld by aittis or hay to sell and regrait agane to the Kingis liegis bot allanerlye stabillaris vnder the payne of eschaet of the stuff and bannasing of the tovne as the statutis maid tharapone proportis quhilkis war opinly proclamit at the merket corse Neuertheles Agnes Turnour Alisone Home Jonet Bell Male Peirsone and Cristane Reynaldsoune has contempnandlie brokin the said statutis and coft corn and aittis in greit to regrait agane Quharfor the saidis provest ballies and counsall bannesis the saidis Agnes Turnour Alisone Home Jonet Bell Male Peirsone and Cristane Reynaldsone this tovne Indurand the provest ballies and counsallis will and nocht to cum in the tovne in the meyntyme vnder the payne of bannasing for euer quhill thai obtene licens and to devoyd within xxiiij houris.

Gelis Murray and Christiane Blacater spanit fra bying of aittis.—The quhilk day the provest ballies and counsall ordanis that Gelis Murray and Cristiane Blacater decist and ceisse fra all maner of bying or selling of aittis or halding of stabillis to regrait the samyne in tyme to cum bot

spanis thame fra the said occupatione for all the dayis of thar lyf vnder the pain of bannasyng.

Allane Blair convict.—The quhilk day Forsamekle as it was statute and ordainit that na personne suld cum furth of Sanct Androis nor na vther suspect placis to this tovne vnder the pain of deid Nochtwithstanding Alane Blair has contempnandly dissobeyit the samyne and cummyn to this toune furth of the said toune of Sanct Androis and has incurrit the said panis Quharfor the provest ballies and counsall has dispensit with his lyf and has bannist him this toune for all the dayis of his lyf and nocht to cum within the samyne in the meyntyme vnder the pain of deid.

xvij Octobris Anno xxix.

Anent the Pestelens.—It is statut and ordanit Forsamekill as the prouest ballies and counsall of this tovne ar suirlie advertiste that the pestelens is spred in diuerse tonis and pairtis beyound the Wattir quharthrow it is gret dangeir to resaif ony personis duelland in ony pairtis beyond the wattir of Fortht That tharfor We command and charge in our Souerane Lordis behalf the prouest ballies and counsall of this toune that na maner of parsone duelland beyond the said wattir bring ony merchandice or repair within this burgh nor that nane maner of parsone duelland in this toune resset ony sik personis or thar gudis wnder the pane of pvnisione of thar personis and bannysing of this tovne for euer Certifying all thame of Dunde Sanct Johnstoune Cowper and all vther the tovnis of the northt syde that we will nocht that thai cum to this nixt fair of Hellomess nor that thai bruk the fredome thar-of for this yeir excepand alwayis the fair of nolt and scheip.

Relaxatione Margret Clapane.—The quhilk day Forsamekill as Mar-

gret Clapane was banist this toune of befor for the breking of the statutis in the bying of fische to regrait agane and remanit furtht of the toune at the tounis wyll quharfor the prouest ballies and counsall relaxsis the said Margret and admittis her till cum till hir awand house within this toune and scho obleisis hir to obsarf and keip the statutis of the toune and nocht to faill tharintill wnder the pane of bannasing for euer.

Oblis Besse Peny.—The quhilk day Besse Penne oblissis hir neuer to by buttir nor cheise nor othir stuff to regrait agane in tyme to cum and to obserf and keip the statutis of the tovne wnder the pane of bannasing for euer.

xxi Octobris Anno domini I^{m} V^{c} *xxix.*

Relaxatione Alisone Home.—The quhilk day in presens of the prouest and ballies Thomas Schort is becuming souirte for Alisone Home his moder that scho sall keip the statutis of the toune and nocht to by aittis to sell agane wnder the pane of xx lib quharfor scho wes relaxt till the fredome of this toune efter scho wes bennest the samyne for breking of the said statutis.

Relaxatione Gilbert Skeillis wife.—The quhilk day in presens of the prouest Gilbert Skeill is becummyn souirte and cautione for his wif that scho sall obey and vnderly the statutis of the toune and nocht to intromet nor by aittis nor hay till sell and regrait agane to the Kingis lieges vnder the payne of xx lib Quharfor the said Gilbertis wif was relaxit agane to the fredom of the toune as scho was obefor or scho was bannist the samyn for the brekin of the saidis statutis.

Curia vicecomitatus burgi de Edinburgh tenta coram balliuis ejusdem In pretorio dicti burgi xx^mo Octobris Anno I^m V^c *xxix^o.*

ASSISA.

Johne Henrisone	George Bird	Williame Richmond
Robert Cuming	David Lausone	Roule Donaldsone
Henry Russaule	Robert Henrisone	George Crag
George Yettis	Henry Heriot	

Johnne Dougall indytit and accusit for the airt and pairt of the thiftuis steling and conceling fra Walter Scot furth of his maling in the Dene in harvist at last wes of xxij schavis of bere for the quhilk cause he was bannist this tovne induring the provest and ballies will and nocht to cum tharintill quhill he optene licence vnder the pane of bannesing for euer quit of the twa stowkis of aitis quhar thai war standand on the felde and for the thifte fra the said Waltir of ane stouk of peise and ane vther of aitis and for the thift fra Thome Home and his nichtbouris of ane boll of beir and for the thift of ane furlot of aitis quhilk was dicht in Riche Persone barne.

The quhilk day forsamekle as Cristane Reynaldsone was bannist the toune for bying and regratione of aittis and breking of the statutis of the toune And now the provest and ballies movit of pite haue relaxit the said Cristiane to the fredome of the toune and William Elphinstone is becummyn souirte and cautione that scho sall obserf and keip the statutis and nocht to fall in tyme to cum vnder the pane of xx^li lib.

Mettis and messouris to sell aittis or meill.—It is statute and ordanit be the provest ballies and counsall that na maner of personis stabillaris

and sellaris of meill man or woman within this burgh tap or sell aittis or meill bot with ane sufficient lele mesour pek and ferlot and at the samyn be brynt with the commoun merkyn irne of the toune vnder the payne of breking of the lvme and ane vnlaw of viij ß for the first falt and the secund falt spanyng and at thai cum to the tolbuth with thar pekkis and furlottis to merk the samyn.

The market for aittis and horse corn.—It is statute and ordanit be the provest ballies and counsall that in tyme to cum thar be ane dalie market of aittis haldin apone the hill vnder the wall fornent Alexander Andersonis land And tharfor chargis that na stabillar nor vther tak apone hand till by aittis quhill thai be present and sett dovne in the said market vnder the pain of ane vnlaw to be tane of thaim that dois in the contrar but fauouris And all personis that bringis ony aittis to this toune to sell that thai present and sell the samyn in the said merket and nane vther place within this toune.

xxiij° die mensis Octobris Anno I^{m} V^{c} *xxix°.*

Relaxatione Male Peirsone.—The quhilk day in presens of the prouest baillie Mongo Tennent and counsale James Cadder seruitour till our Souerane Lord is becumming souirte for Male Peirsone that scho sall obserue and kep the statutis in tyme to cum that scho sall nocht by aittis or hay till regrait the samyn till our Souerane Lordis legis efter the forme of the statutis maid tharapone vnder the pane of x ℔i quharfor the said Provest ballie and counsall relaxis hir fra the said bannessing and admittis hir till hir preuilege and to cum till hir avne house as abefore.

Seiknes of Pestilens.—The quhilk day Forsamekle as this contagius seiknes of pestilens is spred in sindry pairtis beyond the watter and

diuerse personis men women and boys reparis and ar ressett within this toune to the greit apper and perell and scaith Quharfor We charge straitlie and commandis in our souerane Lord the Kingis naim provest and ballies of this burghe that na maner of person man nor woman induellar of this toune tak apone hand to house harbery or ressett ony maner of personis within thar houssis quhat pairt that euer thai cum fra bot at thai cum and revele the samyn to the officiaris of the tovne vnder the pain of bannasing of the samyn.

Spaneing William Bartovne.—The quhilk day fforsamekle as it wes clerlie wnderstand that William Bartone had brokin the statutis of the toune byand wyld foulis till regrait agane to the Kingis liegis Quharfor the Prouest ballies and counsall dischargis the said William and spanis him his wyf and seruandis fra all maner of selling of wyld foulis or tayme cvnyngis or vther syk lyk stuff in tyme to cum and at he vse na syk selling vnder the pane of bannasing for euer.

Command the officiaris till bring the pekis to burne.—The quhilk day the prouest and ballies ordanis the officiaris till pas ilk ane of thame throw thar awin quarter and charge all parsonis that usis mettis pek forlot that thai bring thar mettis to the tolbutht the morne tilbe brynt wnder the pane of breking of thar messouris and ane wnlaw tilbe tane of thame that falis.

James Foster	Alisone Yong	Anne Yeid	Jonot Smyth
Jane Reid	Wm Andersone	Male Maluf	Margret Cwnyghame
Besse Kar	Dem Coieeren	Dem Wilk	

Spaning meill sellaris.—The prouest ballies and counsall commandis and chargis that nane of thir parsonis abone writtin by ony maner of meill in tyme to cum in the markat nothir efter none no forrow none

nor na tyme of the day nor nycht to regrait agane wnder the pane of bannasing of the toune for yeir and day but fawouris.

Margeret Scheid als Jamiesone
Johne Coppair alias Morsone
} ar banist this tovne for thar demeriteis and nocht to cum heirintill vnder the pane of burning of thar cheikis and bannasing thame for euer.

xiij Nouembris Anno domini I^{m} V^{c} *xxix.*

Statute anent the regratouris of fische.—The quhilk day the Provest ballies and Counsall statutis and ordanis that na maner of regratour of fysche man nor woman by ony fische to sell agane apone Wednisday quhill efter none And dischargis thame of ony bying of fysche apone Fryday nothir forow none nor efter nor yit apone Satterday quhill efter none under the pane of bannasing And at nane of the said regratouris sell thar hering nor fische neir the outlandis men that bringis the fische to the toune bot on the tothir syde of the gait fornent And at the said regratouris be nocht fund in the merket amangis byaris and sellaris vnder the panis forsaid.

David Cristeson banist.—Dauid Cristeson is banist this tovne because he is ane young stark fallow and beggis and will nocht wirk for his leving.

Richman that singis with the las banist.—The quhilk day Richman that singis with the las and beggis throu the toune is banist this toune because he is ane sterk young fallow and will nocht werk under the pane of burning of his cheik.

Jonet Heriot.—Jonet Heriot is ordanit be the prouest ballies and

counsall till decis and ces fra all baging in tyme to cum bot that scho werk for hir leving vnder the pane of banasing.

xxiij Novembris Anno domini I^{m} V^{c} *xxix°.*

Anne Broune.—The quhilk day the Provest ballies and counsall dischargis Anne Broune that scho cum nocht in the meill market nor met meill tharintill in tyme to cum vnder the payne of bannasing of the toune.

Andro Gibson banist.—The quhilk day the Provest ballies and Counsall has bannist Andro Gibsone this tovne for euer for his bying of the Kingis money apone ane hyear pryse na it is strykin for and selling and regrating agane of the samyn rasing the derth of money.

Pate Lorne and his wif dischargit.—The quhilk day Pate Lorne and his wif is dischargit be the provest ballies and counsall fra all maner of bying or selling of buttir fresche or salt in tyme to cum vnder the payne of bannasing of the tovne.

Anent bringing aill from Leith.—It is statute and ordanit be the prouest ballies and counsall that na maner of persone induellar within this burgh man nor woman bring ony aill furth of Leith till tap sell or drink in thar houssis fra Monunday furth nixt tocum quhill twa monethis be gane tharefter vnder the pain of eschaet of the aill that cummys in the contrar but fauouris.

Luk Jameson banist.—The quhilk day Forsamekill as Luk Jamesone has brokin the statutis of the tovne in bying of herring in the merkat to sell and regrait agane ffor the quhilk cause he is banist this toune indur-ing the tounis will.

David Scot banist for yeir and day.—The quhilk day Dauid Scot is banist this tovne for his demeriteis for yeir and day and breking of the statutis and nocht to cum tharintill quhill he optent lycense.

William Lyndesay souirte for Issobell Merarche.—The quhilk day fforsamekill as it is vnderstand be the provest that Issobell Marrohe has brokin the statutis of the toune in bying of aittis and selling of thame agane in contrar the said statutis for the quhilk scho hes incurit the panis of bannasing of the tovne nochtwithstanding because it wes the first falt the prouest has dispensit with hir at this tyme and has tane William Lyndesay souirte that scho sall keip the statutis of the toune in tyme to cum vnder the pane of x li but fauoris.

Statuta pro Infirmitate.—The quhilk day fforsamekill as it wes vnderstand that the seiknes of pestilens is richt vehement and perseweris still in Sanctandrois and the spredin tharof was maist be conuersatione of nichtbouris trastand it had bene the het seiknes and in defalt that the personis that war infekkit wald nocht releif the samyn Quharfor We charge stratlie and commandis in our Souerane Lord the Kingis name Provest ballies of this burgh that all maner of persones within this burgh that has ony persone man woman or barne seik within thar houssis that thai hald thame be tharself and reweill the samyne to the prouest and officiaris of the tovne vnder the pane of bannasing of thame the toune for euer.

David Scot banist for all the dayes of his lyf.—The quhilk day fforsamekill as Dauid Scot bennest twyse off befor for breking of the statutis of the toune and contemplie disobait the samyn and come within the toune without licens for the quhilk cause he wes curgit and he is new banist for all the dayes of his lyf and nocht to cum tharin in the meyntyme vnder the pane of deid.

Robert Andersone curgit and banist for euer.—The quhilk day Forsamekill as Robert Andersone grantit with his awin confessione that he staw x s̄ fra Andro Lausone fleschour for the quhilk cause he was curgit and banist this toune for all the dayes of his lyf and nocht to cum tharintill in the meynetyme under the pane of deid.

That nane pas beyond the water of Forth without licence.—The quhilk day the Prouest ballies and counsall statutis and ordanis in our Souerane lord the Kingis name and tharis that na maner of persone induellar of this burgh pas beyond the watter of Forthe without speciall licence of the prouest vnder the pane of bannasing for yeir and day And als that na maner of persone Induellar within this burgh nor utheris by ony maner of clath wou nor lyning nor yarne wther siklik stuk beyond the watter of Forthe to bring to this tovne wnder the said pane of bannasing And inlykwyse that na maner of persone man nor woman duelland within this burgh resset house nor harbery onymaner of persone duelland beyond the watter of Forthe without leif of the Prouest of the toune vnder the said pane of bannasing.

xv Decembris.

Statuta anent the Huxtouris.—The quhilk day the Prouest ballies and counsall statutis and ordanis that na maner of wxtar man nor woman within this burgh tap nor sell buttir nor sches nor eggis in thar housis nor vthout fra this tyme furth bot thai that cummis to the prouest and gettis leif fra him tharto and to find souerte that thai sall keip the statutis of the toune in tyme to cum wnder the pane of bannasing.

Baxtaris.—The quhilk day the Provest ballies and counsall statutis and ordanis that the lang fage of quheat breid sauld be unfriemen on the merket dais be guid and sufficient stuf weill bakin and dryit and at thai

keip the wecht and pais of the ij ₰ laif and iiij penny laif of quheit breid of the wecht of Leith And als ordanis that the fowattis of Mussilburgh and vtheris sauld be unfriemen apone the merket dayis be weill bakin and dryit gude and sufficient stuf and at thai keip the pais of the ij ₰ laif and iiii ₰ laif of quheit breid of the wecht of Leith under the pane of eschaet of the samyne And at na hukstar sell nor tap ony of the saidis fagis nor fowattis within thar housis in tyme to cum under the said payne And als ordanis that quhat persone that baikis ony aitt laiffis that thai be gude stuff and fresche and at the penny laif tharof wey the penny laif wecht and thrid part wecht of quheit breid vnder the said pane And at the dekin and masteris of the baxtaris tak Thome Arnot officiar or ony uthir officiar thai pleise with thaim dalie quhane thai lyk to put this act till executione.

xxij° Decembris Anno V^c^ *xxix°.*

Plegis of the wxtaris.—The quhilk day in presens of the Prouest Johne M'Gichane is becuming souertie his land and guidis that he sall obserue and keip the statut maid apone wxtaris anent the bying and selling of buttir cheise and eggis and all vther sicklik stuf efter the forme of the said statut and nocht to falze tharintill vnder the pane of xx ℔i.

The samyn day Mastir Thomas Marjoribank is becuming inlikwise souertie for Besse Yallowleys that scho sall obserue and keip the said statut in all thingis efter the forme of the samyn vnder the pane of xx ℔i.

xv Decembris Anno Domini I^m^ V^c^ *xxix°.*

The desyre of Thome Mereleys.—The quhilk day the Prouest ballies and counsall has considerit the desyre of Thome Mureleis till cum in to his awin house of the Mure with his self wyf and barnis and guddis

unclengeit The prouest ballies and counsall has consentit tharto he beand oblist apone his lyf heretage and gudis that na scaith nor infectione sall cum within his house nor throw the unclengeing of his gudis in tyme to cum and to remane be himself xv dayis efter his hame cummyn.

Statute of the aill.—The quhilk day It is statute and ordanit Forsamekill as the provest ballies and counsall of this toune ar aduertist that the statutis of the aill is nocht kepit bot the samyn sauld for xx đ and ij s̄ the gallone quharfor We command and charge in our Souerane Lord the Kingis name prouest and ballies of this burgh that na maner of persone tap nor sell ony derrar aill fra this hour furth na for xvj đ the gallone according to the first statute maid therapone sertifying thaim that the prouest will pas with the ballies in propir persone and quhar he findis ony breking of the said statute thai salbe spanit and put fra ony brewing or tapping of aill quhill the nixt terme of Michaelmes and banist the toune gif thai failye.

xj die mensis Februarii Anno Domini I^{m} V^{c} *xxix*^{o}

Statuta pro Infirmitate.—We do yow to wit Forsamekle as the nychtbouris of Sanct Androis ar reparand to thar toune and yit pairt of the houssis infekit in the samyn quharthrow mair dangeir apperis now in the spreing in the yeir than in the sesion of winter Quharfor We charge yow straitlie and commandis in our Souerane Lord the Kingis name provest and ballies of this burgh that na maner of persone induellar within this burgh house nor harbery ony persone of Sanct Andros within thar housis under the pane of deid And als chargis that na maner of persone man nor woman within this burgh repar to Sanct Andros nor intromet with ony persone of Sanct Andross vnder the said pane And als that nan of Sanct Andros cum to this vnder the said pane.

xv die mensis Februarii Anno Domini I^{m} V^{c} *xxix*^{o}

Banist induring the tounis will.—We do yow to wit Forsamekill as Johne Geichane and Done Patersone has brokin the statutis of the toune in the bying of butter in the gret in the merkat to regrait agane till our Souerane Lordis legis before the hour lymit tharto Quharfor the prouest ballies and counsall has bannist the said Johne and Done this toune induring thar willis and to dewoid within xxiiij houris.

Katryne Wrycht banist induring the tounis will.—The quhilk day Forsamekill as Katryne Wrycht hes resset now laitlie certane stollin taffetiis stollin fra Edwart Kyncaid be Thomas Broune now justyfijt for that sam and vther stoll geir committit be him Quharfor the prouest ballies and counsall banisis the said Katreyne this toune and the fredome tharof induring thar willis.

xvj Februarii Anno Domini I^{m} V^{c} *xxix*^{o}

Banist for euer.—Margaret Borthik is bannist this for commone pikere and vther hir demeritis for all the dayes of hir lyf and nocht to cum tharintill in the meyne quhill vnder the pane of deid.

Thir ar the namis of the broustaris in Edwart Kyncaidis quarter the ballie of the south est part of the toune quhilk has oblist thame till keip the statutis and sell na darrar aill na the statut ordanis vnder the pane of bannasing of the tovne In the first

Kate Hutoune Male Kerse Kate Gibsone Issobell Lang Margret Drummond Deme Seytoune Male Karse Marione Spense Mege Thome

Besse Derumpill Dem Siluer vnder the pane of x lib Robert Symsone for his madyn vnder the pane of x lib but fauouris.

Curia vicecomitatus burgi de Edinburgh tenta coram preposito et balliuis decimo octauo die mensis Februarii Anno domini I^{m} V^{c} *xxix°.*

ASSISA.

James Hill	Johne Tennet	Johne Scot
Johne Hay	Henry Gow	Arche Steuart.
Johne Cranstovne	Johne Smyth	Henry Tollous
William Wilkye	Johne Young	
Thomas Schor	Johne Crowane	

Margret Cok banist for euer.—Margret Cok convict be ane assise for the breking of the Kingis proclamatione and statutis of the toune maid apone the contaguus seiknes of pestilence in the cuming furth of Sanct Androiss with geir quhilk wes infekit with the said seiknes quhar scho wes continulie this quarter of this yeir bygane And als for the thiftuis resset of ane kirtill quhilk was stolling furth of Sanders Spensis house ffor the quhilk caussis scho wes adiugit to be birnt of bayth the chekis and hir claiis to be birnt and her self bannist the toune for all the dayes of hir lyf and nocht to cum tharintill in the meynquhill vnder the pane of deid.

xx Februarii Anno Domini I^{m} V^{c} *xxix.*

Statuta pro infirmitate.—We do yow to wit Forsamekill that ther is now ane fair to be hald on that vther syd of the watter that is to say in Sanct Manounis quhar that repair of infeckit personis is habill to repair with infeckit geir Quharfor We command and charge in our Souerane Lord

the Kingis name prouest and ballies of this burgh that na maner of persone inhabytant of this toune or within Leith or vther placis adiacent repair to the said fair or by ony geir ther to be brocht to this toune to be sauld vnder the pane of bannasing this toune for yeir and day and escheit of the geir thai bring to this toune to be sauld and forther punising of ther personis.

xxvj Februarii Anno Domini I^{m} V^{c} *xxix.*

Statuta of the Aill.—It is statute and ordanit be the prouest ballies and counsall that all maner of brouster dry tapstar and vtheris duelland within this toune quhilk ar delaittit for the breking of the statutis of the samyn that in tyme to cum thai and ilk ane of them obserue and keip the said statutis of the toune maid tharapone vnder the pane of xl s̄ fra this hour furth and find souirte therapone and thai that can nocht fynd the said souerte that thai be actit in the common bukis to obserue and keip the said statutis vnder the pane of bannasing.

Jok Thomsone and Johne Broune banist { vagaboundis haffand na master nor craft till wait apone ar banist this toune for thar demeritis and nocht to cum tharintill but licence vnder the pane of bannesing for all the dais of thar liffis.

Ultimo Februarii Anno Domini I^{m} V^{c} *xxix^{o}.*

Statut the meill merkat.—We do yow to wit Forsamekill as it is vnderstand that wesland cadgearis and wtland men byis the meill in gret and turses the samyn out of this toune throw the quhilk the derth of vittalis is abill to ryse Quharfor We charge straitlie and commandis that na syk

vtlandis men nor cadgearis by ony meill in the market to turse out of the toune in gret vnder the pane of escheit of the samyn quhareuer it can be apprehendit.

Curia burgi de Edinburgh tenta coram preposito et balliuis ejusdem in pretorio dicti burgi primo die mensis Aprilis Anno Domini I^{m} V^{c} *xxx*^{mo}

Pate Layng	Johne Bayne	Henry Scot
Johne Cvnynghame	Arche Rowll	Edwart Thomsone
Alexander Forster	Johne Hoip	George Cuthbertsone
Thom Johnestoune	Thom Schort	William Tod
Archibald Donaldsone	James Stevinsone	William Lyndesay

Persons convict for breking of the Statutis.—The quhilk day all the personis vnder writtin ar convict be ane assiss for the breking of the statutis of the toune in the breuing and tapping of xx d aile and selling of the samyn agane contrar the statutis of the toune maid therapone Quharfor a pairt of thame quhilk fand souerte of befor to obserue and keip the said statutis vnder the pane of xl s and is convict of the new hes fund souerte to obserue and keip the said statutis vnder the pane of v li and ane vther pairt quhilk wes convict in lykwyse till obserue and keip the said statutis and coutht find na souerte that thai sall obserue and keip the said statutis vnder the pane of spaning fra the opperatione and has fe seruitrice that browis apone thar awin awentur and gyfis ane certane of ilk broust to thar hussy that thai obserue and keip the statutis vnder the pane of bannasing of the toune.

Mr Johne Schevin is becumin souerte for Deme Leithame and Deuie Barbouris wyf till obserue the statutis of the toune quhill Michelmes

nixt to cum vnder the pane of payment for ilk ane of the said personis of v ℔i &c &c.

Johne Andersone kepar of the tolbuith has oblist him till obserue and keip the statutis of the toune in tyme cuming vnder the pane of daling of ane barell of ale till gif utheris exempill till brek the said statutis in tyme cuming.

Secundo Aprilis Anno Domini I^{m} V^{c} *xxx zeris.*

ASSISE.

Johne Mvdy	Walter Hay	Archibald Woddaill
James Johnstone	William Wilkie	Johne Gray
Archibald Wilsone	Johne Tennent	Pate Johne
Andro Symsone	Thom Anguss	Pat Wrre
Johne Symmeir	Pat Scot	Andro Mitchell
David Scot	Wille Johnston	George Broune

Souerteis for brousteris.—Robert Glene is becumin souirte for his brouster that scho sall keip the statutis of the toune in tyme to cum quhill Michelmes nixt to cum under the pane of v ℔i &c &c &c.

xxvi die mensis Aprilis Anno Domini I^{m} V^{c} *xxx.*

The statute anent the Leper folk.—It is statut and ordanit be the prouest ballies and counsall of this burgh that na maner of lipper persone man nor woman fra this tyme furth cum amangis uther cleine personis nor be nocht fund in the kirk fische merket nor flesche merket nor na vther merket within this burgh under the pane of burnyng of ther cheik and bannasing off the toune.

The statute anent the Eggis.—It is statut and ordanit be the prouest ballies and counsall that na maner of hukstar tap nor sell ony eggis fra this tyme furth for the space of ane moneth to cum vnder the pane of bannasing of the toune.

Aganis Regratouris and Hukstaris.—It is statute and ordanit be the prouest ballies and counsall that forsamekill as this greit derth rasit apone our Souerane Lordis legis of all kynd of meit ordanit for sustentatione of man throw inordinat nomer of regratouris and hukstaris That therfor na regratour or hukstar of wyld foulis tame foulis buttir hegis cheise aittis or hey or ony vther stuff be tholit to be within this toune fra Furisday nixt to cum without thai get speciall licence and be admittit be the prouest vnder the pane of bannasing of the toune quhill Michellmes nixt to cum.

Anent Seruandis.—Item that because thar is na seruand woman or nurys that gettis in ane gud manis house throw hir seruice v or vj merkis bot scho will tak ane house of hir awin and be ane broustar or hukstar quharthro the nychtbouris of the toune ar hevelie hurt and the meit and drink rasit darer throw the bying of the samyn at the secund or thrid hand that tharfor na seruand woman pas fra hir seruice and tak ane house without scho be mariit or pas to the bordall except scho haif licence of the prouest for gud rationabill causis vnder the pane of bannasing and that na man set sik lik personis howsis vnder the pane of xl s and to be apliet to the cassa.

Brousteris.—Item that na broster be in this toune tak in hyrgang ony brewing lums bot that scho haif thame of hir awin fre vnder the pane of bannasing.

Ultimo die mensis Aprilis Anno I^{m} V^{c} *xxx*^{o}

Jonet Andersoun.—The quhilk day the prouest and ballies decernis and ordanis Jonet Andersone the spouse of Bell fra this tyme furth that scho say na displesour nor injuriouse language till Thomas Wauhope nor his spouse nother oppinlie nor priuatlie vnder the pane of bannesing of the toune als sone as the samyn beis notorlie knawin.

Quinto die mensis Maij Anno Domini I^{m} V^{c} *xxx*^{o}

Williame Kar.—William Kar oblissis him that he sall nocht be sene into the fische merkat nother byand nor selland fische vnder the pane of cutting of his lug and bannasing of the toune bot gif he haif ane horse of his aune till bring fische to the merket till sell vniuersale as vther strangearis dois till our Souerane Lordis legis.

Memorandum That Margrat Thomsone the spouse of Robert Hog is delatit for ane schitt of grene weluos.

xij Maii Anno Domini I^{m} V^{c} *xxx*^{o}

Brokkaris of woll hyd and skynnis.—The quhilk day the provest ballies and counsall statutis and ordanis and als commandis and chargis that na maner of brokkaris nor forstallaris of woll hydis nor skynis man nor woman be fund nor sene on the merket day in the place quhar ony woll hyd or skynis ar to sell nother spekand standand nor commonand with the sellaris tharof in na tyme to cum vnder the pain of

William Bertoune fined.—The quhilk day fforsamekill as it is cleirlie

kend and vndirstandin be the provest ballies and counsall that William Bertone had oft and diuerse tymes brokin the statutis of the toune in the bying and regrating of wild foulis and tayme for the quhilk he wes spanit the occupation therof for all the dais of his lyf under the pain of bannasing of the toune as the actis maid therapone proportis Nochtwithstanding he hes sensyne coft syklyk stuf to regrait quhilk war fund in his house be the provest and officiaris and als the said William had contempnandlie drawyne his knyf till ane Craik at the market corse for his slauchter because he warnit the provest that the said William had coft wyld foulis in the merket With the quhilk faltis the provest ballies and counsall beand riplie auisit decernit and ordanit the said Williame till content and pay for the saidis faltis and crimes the sovme of v lib to be applyit to the kirk werk or commoun werkis of the toune.

xiiij Maii Anno Domini I^{m} V^{c} *xxx°.*

Adam Robertsone is banist this toune for the stelling of ane pot.

xxv Maij Anno Domini I^{m} V^{c} *xxx°.*

Statuta pro Infirmitate.—Forsamekle as thar is sum pairt of the infectione of pestilens rissin within this toune quhilk be the grace of God and gud gouernans may be weill stanchit That tharfor We command and charge in our Souerane Lordis name provest and ballies of this burgh that all maner of personis within the samyn that ony seiknes happinis in thar houssis that thai revele the samyn till thar nerest nychtbour incontinent and command thame till schaw the samyn till the officeris of the toune and at thai hald thame self seuerall fra all vther parsonis and tholl nane cum to thaim vnder the pane gif thai be pure folkis of byrning of thar cheikis and bannising of the toune for all the

dayes of ther lyf and neuer to cum therintill vnder the pane of deid And gif thai be folkis of substans vnder the pane of eschaet of all thar gudis to the commoun werkis of the toune and bannasing of thame selffis for all the dayes of thar lyffis as said is.

Item that na maner of parsonis man nor woman tak ony clais in wedd fra vtheris or by ony auld claise wou or lynnyn vnder the pane of burning of thar chekis and bannasing of the toune for all the dayes of thar lyffis.

Item that na maner of personis ressett ony personis cummand furth of Sanct Andros or ony insicht or gudis clething claith wou nor lynnyn vnder the pane of deid and at na parsonis of this toune repair thar under the said pane.

Item that na maner of personis that has ony swyne within this toune that thai keip thame in band within thar housis fra this tyme furth With certificatione to thame and ony of ther swyne be fund on the hie gait or in vinellis out of houssis that it salbe lefull till Andro Fentoune officiar of the toune till eschaet the samyn till his awin use.

Item that forsamekle as thar is gret fylth within this toune baith on the hie gait and in closis and als the guttaris of the toune ar full of filith Quharthrow infectioune may spreid and ryse That tharfor euery man and woman dicht and mak clene befor ther durris and closis and clenge away the filith tharfra vnder the pane of punising of thar personis and gudis at the prouest will.

Anent the setting of housis.—It is statute and ordanit be the provest ballies and counsall that na maner of personis man nor woman that has ony land or houssis till set within this toune that thai sett the samyn till sufficient tenentis that ar honest men and laborius personis abill to wyne thar liffing and nocht to sett thar houssis till trumpouris or vagabundis vnder the pane of xl ℈ to be tane fra thaim that dois in the contrar but fauouris to be applyit to the commoune werkis of the toune.

Statuta pro Infirmitate.—It is statute and ordanit that all maner of personis within this tovne man nor woman that has bene in Gladois house the smyth or ony vther housses that ar now suspect of this contagius seiknes or that hes intromettit with thame ony maner of way other befor or seynsyne That thai cum and reveile the samyn incontinent to the officiaris of the toune vnder the pane of deid.

Margaret Smyth.—In presens of the ballies in jugment Margairet Smyth of hir avne fre will oblist hir that fra this tyme furth scho sall nocht use na injurious wordis blasfeme nor schame Dene Alexander Creichtane vicar of Sanct Cuthbartis Kirk nothir in word nor deid vnder the pament of x li tilbe gevin till Sanct Gelis werk.

Anent the seruandis that weschis clais.—We do you to wit Forsamekill that thar is diuers seruandis that hes thar masteris and hussis claithis to the wattir and be the gait takis this womanis coller and that womanis curche and wescheis thame amangis thar maisteris quharthrou It is vnpossable to keip the toune clene gif sik thingis be usit That therfor na seruandis wemen tak vther claithis than thar masteris and hussis and thar houshaldis claithis to wesche vnder the pane of burning of ther cheik and bannasing of the toune and that thar master or hussy pas and convoy ther seruandis or send ane auctentik persone to convoy thame out of the toune for escheuing of sic dangeir vnder the pane of bannasing of the toune for yeir and day.

Issobell Forsyth byrnt and bannist for euer.—We do you to wit that Forsamekill as it was statute and ordanit that all maner of personis quhilk had bene in suspect houssis or intromettit with ony personis suspect and als all maner of personis man nor woman that happinit to be sek suld inlikwise reuele the samyn to the officiaris of the toune Neuertheless Issobell Forsyth that hes standis has intromettit with infekkit

folk and being in ther houssis and nocht reuelt the samyn and als is now infekit sek and wald nocht reuele the samyn quharfor scho salbe brint on the cheik and bannist this toune for all the dayis of hir lyf and to remane on the mure quhill scho be haill vnder the pane of deid.

Quarto Junii Anno xxx°.

Issobell Cattall banist for evir.—The quhilk day Forsamekle as Issobell Cattall the spouse of William Tod has brokin the statutis of the toune haldand hir dochtir seik within hir house thir iij dayes bygane and wald nocht reweile the samyn to the officiaris of the toune quhill now scho is deid in this contagius seknes Quharfor It is ordanit be the prouest and ballies that hir self be brynt and scho and all hir barnis bannist this toune for all the dayes of thar lyffis vnder the pane of deid And at thai remane still on the muire quhill thai be clengit and nocht to scatter in the cuntre vnder the pane of deid.

xviij° Junii.

Helen Adamsone banist for euer.—Helene Adamsone for hir demeritis yit as abefor scho is bannist this toune and nocht till cum tharintill in the meyntyme vnder the pane of deid and till remov incontinent.

xxv Junii.

George Mutrich and others to be brynt on the cheik and bannist.—The quhilk day Forsamekle as George Mutrich and Male Mudy his spouse Marione Suddirland and Alisone Bird has brokin the statutis of the toune havand a barne seik in thar house thir iij dais bigane in this contagius seiknes and wald nocht reuele the samyn to the officiaris quhill it was deid Quharfor the ballies and counsall ordanis that thai be all brynt

on the cheik And because Marione Suddirland brocht the said seiknes in the house and wald nocht tell the laif scho to be banist all the dais of hir lyf vnder the pane of deid and the laif bannist induring the tounis will.

Primo Julii Anno Domini &c. xxx°.

Patrick Gowanlok bannyst.—The quhilk day Forsamekle as it wes cleirlie vnderstandin that Patrik Gowanlok fleschour duelland in the Abbot of Melrosis lugying within this toune has had ane woman infekkit with the pestilens thir x dais in his house and revelit nocht the samyn to the officiaris of the toune as was ordanit be the statutis of befor maid therapone and als had ressauit strangearis in his lugying he being inclusit obefor and suspicious Tharfor It is diuisit and ordanit be the prouest ballies and counsall that the said Patrik Gowanlok sall tynt all fredome and priuilege of this toune and he and all his successione bannist this toune for euer vnder the pane of dede And at the half of his moveable gudis be applyit to the commoun workis of this toune for his defalt And als that his seruand woman callit Jonet Cowane quhilk is infekkit for hir conceling the said seiknes and passand in pilgrimage scho haiffand the pestilens apone hir that scho salbe brynt on baith the cheikis and bannist this toune for euer vnder the pane of deid And quha that lykis till see justice execute in this mater that thai cum to the Grayfrier port incontinent quhar thai sall se the samyn put till executioun.

Secundo Augusti Anno Domini I^{m} V^{c} *xxx*^{o}.

Maister Adam Otterburne Provest
Eduard Kincaid } Ballies
Symon Prestone }
Maister James Lausone
Nicholl Carncorse Dene of Gild
Robert Henrison Thesaurer
William Sym
Johne Purvess
William Elphinstoun
James Johnstone
Thom Mitchelsone
William Raa
Thom Mireleyis
William Smeithberd
George Foulis
Johnne Berclay
Johne Wauche

Dauid Duly to be hangit.—The quhilk day Forsamekle as it wes perfytlie vnderstand and kend that Dauid Duly tailyour has haldin his wif seyk in the contagius seiknes of pestilens ij dayis in his house and wald nocht revele the samyn to the officiaris of the toune quhill scho wes deid in the said seiknes And in the meyn tyme the said Dauid past to Sanct Gelis kirk quhilk was Sonday and thair said mess amangis the cleyne pepill his wif beand *in extremis* in the said seiknes doand at was in him till haif infekkit all the toune For the quhilk causis he was adiugit to be hangit on ane gebat befor his awin durr and that wes gevin for dome.

Wille Myllar to be brynt on the cheik.—The quhilk day Forsamekle as it was cleirly vnderstandin that Wille Myllar tailyour has brokin the statutis of the toune puttand a woman furth of his house beand seik in the contagius seiknes of pestilens at his awin hand nocht schawand the samyn to the officiaris of the toune For the quhilk cause he was ordanit to be brynt on the cheik and bannist this toune indurand the provest ballies and counsallis willis.

Duly banist and nocht hangit becaus the raip broke.—The quhilk day fforsamekle as Dauid Duly was decernit this day befor none for his demeritis to be hangit on ane gebbat befor his dure quhar he duellis Nochtwithstanding because at the will of God he hes eschapit and the raip brokin and fallin of the gibbat and is ane pure man with small barnis and for pete of him the prouest ballies and counsall bannasis the said Dauid this toune for all the dais of his lyf and nocht to cum tharintill in the meyntyme vnder the pain of deid.

Wille Myllar bannist.—The quhilk day Forsamekle as Wille Myllar was decernit this day befor none to be brynt and bannist this toune for his demeritis And because it is nocht vndirstandin quhether he be foule or clein man thro the quhilk he may be handillit and executione of byrnyn maid apone him Tharfor the Prouest ballies and counsall dispensis with the byrnyn of the said William unto the tyme that he be clengit Nochtwithstanding the Provest ballies and counsall bannasit him this toune indurand thar willis And nocht to cum tharintill quhill he optene licens.

3° Augusti.—Per prepositum balliuos et consules prescriptos.

We do yow to wit Forsamekle as thar is mony and sindry nichtbouris of this toune men wyffis and barnis that ar past to landwart till eschew the danger of the seiknes of pestilens And now we ar informit and als greit murmur rissin that the said seiknes brekis and spreddis vtouth the toune in diuerse placis quharthrow greit apperand danger may cum be the saidis personis that ar fled in thar incummyn agane to this toune Quharfor We charge straitlie and commandis in our Souerane Lord the Kingis name provest ballies and counsall of this burgh that nane of the saidis persones that ar past out of the toune in syk kynd return nor cum within the samyn agane vnto the tyme thai byd at the port and aduerteis

the officiaris of thar incummyn vnder the pane of thame that ar folkis of substance of xx^{li} pundis to be tane of thame and applyit to the pure folkis and commoun werkis of the toune And gif thai be pure and may nocht pay the said vnlaw to be bannisit indurand the townis will.

Anent the maner of clengying of houssis that was nocht put to the mure 3° Augusti Anno xxx°.

Statuta anent the clengyng.—The quhilk day the prouest ballies and counsall hes deuisit statut and ordanit Forsamekle as thar is diuers personis within this toune quhilkis has had infectioun within thar housis and thar selffis vnremouit of the toune to the mure bot clengit and deuidit thameself amangis vther housis quharthrow gude prouisioun suld be maid for the clengyng of thar geir reparyng and vsing of thar housis and buthis Quharfor it is diuisit and ordanit That all syk personis that will tak on thame and thar lyffis that thar geir is cleyne That thai sall bring all thar haill houshald wyf barnis and seruandis till thar duelling housis and thar handill all thar gudis and remane with thar geir xv dayis and sa far as possible is that the officiaris of the toune be sekyr that thai handill thar said geir in this maner that is to say that thai stand befor thar durris and se the saidis personis and thar barnis bring thar saidis geir in thar armys and handill the samyn And at the saidis personis mak faith that thai haif na vther geir na thai schaw to the saidis officiaris And als that thai handill syklyke all the geir being in thar buthis with thar houshald and barnis and outher remane with thar geir a certane tyme in thar buthis or ellis to bring thar said geir to thar duelling house and thar intromett and handill the samyn as is abone wryttin.

xvij Augusti Anno Domini I^{m} V^{c} *xxx.*

Anent the clengyng.—The quhilk day it is deuisit and ordanit anent the clengying of all thame that has bene infekkit in this contagius seiknes of pestilens That all maner of personis that has bene on the muire infekkit in the said seiknes or thai that hes bene amangis it and will nocht tak the samyn and has clengit thar geir on the mure be thaimself and nocht sene be the officiaris sua that the officiaris may haf na experiens quhither thar geir be ordourly and perfytly clengit or nocht Tharfor it is ordanit that the ballie of ilk quarter pas and visy all thai personis and thar geir and se that thai be now clengit perfytlie swa that the toune may be sekyr tharof in tyme to cum.

Niniane Johnnesone in Sanct Mary Wynd is clengit and past his way in the contray till wyn his leving at the command of the Provest and hes oblist himself that thar sall na danger cum throw him vnder the pane of deid.

Matho Windiyettis duelland in ane hous at the vuir bow hes oblist him siclike quhilk is clengit.

Penultimo Augusti Anno Domino I^{m} V^{c} *xxx.*

Statuta anent the clenging.—The quhilk day It is statut and ordanit that all the personis that ar clengit and has na barnis till tak the sey of thar geir efter the forme of the first actis That the ballie of the quarter tak thai personis and thar geir furth agane to Drummysheuch and clenge all thar geir agane of new And that als weill to the personis that ar ellis within the tovne as thai that ar to cum within the samyn And quhar thar is barnis to tak the sey of thar geir till proceid efter the forme of the first act maid tharapone And als quhar thar is ony pure vyle personis duelland within thar quarter that the lard of that land

quhar thai duell sall fynd souirte to the ballies that thai sall remoif at the nixt terme or ellis that the toune salbe skaithles of thame in tyme to cum.

2° Septembris.

Sandi Murray duelland in Murray Robert Boid duelland in Cunygahame ar bannist this toune for thar demeritis vnder the pane of cutting of thar luggis.

Ultimo Septembris Anno Domini I^(o) V^c *xxx°.*

The Statute that landislardis remoif husseis and vile personis out of thar houssis.—It is statute and ordanit be the prouest ballies and counsall that all maner of personis that hes land or housis within this toune quhar ony husseis vile personis or vagabundis duellis in that wantis husbandis to wyn thar liffing that the saidis personis landis lardis discffarge syk husseis and put thame furth of thar houssis within xv dais nixtocum vnder the pain of xl s to be tane of ilk landis lard that falis heirintill And als ordanis the saidis wemen and vagabundis that thai remoif furth of the toune within the said space of xv dais vnder the pain of bannasing of the toune for all the dais of thar lyf And als that all yong fallowis that ar vagabundis remoif thaim out of this toune within x dais vnder the pain of bannasing for euer.

That nane gif woll till card nor spyne.—Item it is statut and ordanit that na maner of persoun within this burgh gif ony woll to card or spyn out of thar awin houssis to na persone bot gif it be till honest wedowis or honest falit personis houshaldaris vnder the pane of xl s to be tane of ilk persoun that giffis furth the said woll but fauouris.

Anent the parsonis that sall brew aill.—Item it is statut and ordanit

that na maner of persone brew nor tap aill within this toune bot fremen or fremennis wiffis wedowis except honest personis that salbe admittit be the provest and ballies vnder the pane of bannasing of the toune.

Anent Hukstaris.—Item it is statut and ordanit that thar be na hukstar man nor woman tholit within this toune nothir to sell wyld foule tayme foulis butter eggis cheise fische aittis or hay or ony vther stuf fra xv dayis furth nixt to cum except thame that ar admittit be the provest vnder the pane of bannasing of the toune.

Penes infirmitatem and cuming in Sanct Gelis kirk.—Item it is statut and ordanit that na maner of persone man nor woman that has bene put furth to the mure in this contagius seiknes and clengit that nane of thame cum within Sanct Gelis kirk amangis the vther cleyne folk quhill thai optene licens of the prouest and ballies of the toune vnder the pane of banasing of the toune.

Statuta penes infirmitatem.—It is statut and ordanit be the prouest ballies and counsall Forsamekle as thar has bene diuerse personis infekkit within this toune with this contagius seiknes and wald nocht revele the samyn to the prouest and ballies of this burgh in dew tyme efter the forme of the statutis of the tovne maid tharapone and for pite thai war nocht pvnist efter the forme of the saidis statutis Quharfor yit as obefor We command and charge in our Souerane Lord the Kingis name provest and ballies of this burgh That na maner of personis within the samyn that gif ony seiknes happinnis in thar houssis in tyme to cum that thai reueil the samyn till thar narrest nichtbouris incontinent and command thaim till schaw the samyn till the officiaris of the toune and at thai hald thaim be thameself seuerall fra all vther personis and thoill nane cum to thame vnder the pane gif thai be pure folkis of byrnyn of thar cheikis and bannasing of the toune for all the dayis of thar lyf and neuer

to cum tharintill vnder the pane of deid And gif thai be folkis of substans vnder the pane of eschaet of all thar gudis to the commoun werkis of the toune and bannasing of thame self for all the dais of thar lyf And at thai put na seik folkis furth of thar houssis till na vthir place without avyse of the provest ballies and officiaris vnder the saidis panis And als that na maner of personis maister nor seruand pas furth of thar housses fra viij houris at evin furth in the wynter sesoun without bowet or vthir licht to convoy tham vnder the pane of xl s̃ to be takin of the maister als oft as he falyeis and viij s̃ of the seruand And that na maner of persone tak vpon hand to by or tak in wed ony maner of claith nothir lynnyng nor wowne auld or new quhill this seiknes be repressit vnder the pane of byrnyng of thar cheik and bannasing of the toune for euer.

Quarto Octobris Anno Domini I^{m} V^{c} *xxx.*

Patrick Gowanlok.—The prouest ballies and counsall remittis and consentis that Patrik Gowanlok cum and duell within this toune as he wes wont till do and admittis him till vse and bruik all fredomes and preuilegis that he had obefor And ordanis that he tak all his gudis furth of the luigeing he duelt in and haif the samyn to the place quhar he purposis to duell in to be handillit and intromittit with be himself barnis and seruandis continuallie efter the forme of the actis of the toune.

Sexto die mensis Octobris Anno Domini I^{m} V^{c} *xxx.*

Katryne Heriot to be drownit in the Quarell hollis.—The quhilk day Katryne Heriot is convict be ane assise for the thiftus steling and conseling of twa stekis of bukrum within this tovne and als of commoun theift and als for the bringin of this contagius seiknes furth of Leith to this toune and brekin of the statutis maid tharapone For the quhilk

causes scho is adiugit to be drounit in the Quarell hollis at the Gray frere port now incontinent and that wes gevin for dome.

Margret Baxter banist.—The quhilk day Margret Baxter put hir in the prouest and ballies will for resetting of Katryne Heriot that commoun thef for the quhilk cause scho is banist this toune for all the dayes of hir lyff induring the prouest and ballies will and till devoid incontinent.

viij Octobris Anno xxx.

Issobell Bowy Kate Boyd Besse Andirsone bannist.—The quhilk day Forsamekle as Issobell Bowy and Kate Boyd being inclusit within thar houssis for suspitioun of this contagius seiknes oppinnit ane fedder bed and tuke furth of the samyn fedderis to the quantite of half a staine and send thame till Besse Andirsone to sell doand at wes in thaim till infect the haill toune For the quhilk caus thai ar bannist this toune for all the dais of thar lyf indurand the provestis will.

And syklyk the said Besse Andirsone for the ressetting of the said fedderis is bannist this toune indurand the said provestis will.

Selling of aill.—It is statut and ordanit that na maner of brouster nor dry tapstar within this burgh tap nor sell ony aill fra this tyme furth bot for xvi ₰ the galloune vnder the pane of spanyng fra the operacione for yeir and day.

Anent the Seiknes.—We dow yow to wit Forsamekle as God of his speciall grace has prouidit swa for this gud toune that all danger is past and na apperans of ony infectione nor has bene thir viij dayes past Nochtwithstanding it is thocht verray proffitable that the auld reule be obseruit and keipit continualy for all the sesioune of this yeir to cum swa that we be nocht dissauit That euery persone quhen ony seiknes

happinnis in thar housis revele the samyn incontinent to the officiaris of the toune according to the auld actis and statutis maid therapone vnder the panis of byrnyng and bannasing of the toune for euer.

Curia Burgi de Edinburgh tenta coram Willelmo Sym et Alexandro Belschis balliuis vicesimo sexto die mensis Octobris Anno Domini I^{m} V^{c} *xxx.*

Assisa.

Johne Grahame	Thom Craufurd	Thom Hunter
James Darroch	William Dalgleiss	James Raa
Robert Cady	Quintin Wauchop	Thom Robisone
Gawane Wallace	Andro Quhite	Pat Layng
Thom Bertrame	Alexander Myll	Johne Wilsone

Marione Clerk to be drounit in the Quarell hollis.—Marione Clerk convict be ane assisse for the conceling of this contagius seiknes scho haiffand the samyne apone hir rynnand thir x or xij dayes bigane scho past amangis the nychtbouris of this toune to the chapell of Sanct Mary Wynd on Sonday to the mess and to hir sisteris house and vther placis quhar scho lykit the pestylens and seiknes beand apone hir scho doand at was in hir till haif infekit the haill toune For the quhilk cause scho wes adiugit to be had to the quarell hollis and thair to be drounit quhill scho be deid.

x Nouembris Anno Domini I^{m} V^{c} *xxx.*

Thir ar the souirteis of the broustaris that thai sall obserue and keip the statutis of the toune quhill Michelmes nixt to cum on the south est quarter viz fra the Loply stane till Lord Borthiks cloiss quhilk William Sym is baillie of.

James Wr souirte for Robert Henrysonis wiff and Gele Hunter that thai sall obserue and keip the statutis of the toune quhill Michelmes nixt to cum vnder the pane of xl s̃.

. . . . . .

In the north west quarter fra Lord Borthikis cloise to the castill hill quhilk Johne Mauchane is baillie of xiij Novembris Anno I^{m} v^{c} xxx.

James Mathesone souirte for his wiff vnder the pane of xl s̃.

. . . . . .

Thir ar the souirteis of the broustaris in the north west quarter fra Alexander Cantis cloise to the Castill hill quhilk William Adamsone is ballie of.

George Alane souirte for his wiff vnder the pane of xl s̃.

. . . . . .

Thir ar the souirteis for the broustaris in the north est quarter fra the Nethir boll to Alexander Cantis cloise quhilk Alexander Belschis is baillie off xij Nouembris Anno Domini I^{m} v^{c} xxx.

Henry Lorymer is becummyn souirte for his wif vnder the pane of xl s̃.

. . . . . .

xv Decembris Anno Domini I^{m} V^{c} *xxx.*

Statuta pro Infirmitate.—We do yow to wit that Forsamekle as this contagius seiknes is rissin and spreid in Leith Quharfor We charge straitlie and commandis in our Souerane Lord the Kingis name provest and ballies of this burgh that na maner of personis of Leith that ar suspect of this contagius seiknes or that hes bene in suspect place cum or repair to this toune or intromett with ony persone of this toune under

the pane of deid And als chargis that na maner of persone man nor woman of this toune to repair to ony suspect place in Leith and that nane send thar seruandis about malt bot at the principall of the house outher the wif or the man pas thame self for thar malt vnder the pane of bannasing of this toune for euer And als chargis straitly and commandis that na maner of persone man nor woman tak in wed or by ony claise lynnyn or wollin fra ony of Leith or vther placis vnder the pane of bannasing And that nane seruand woman within this toune tak ony maner of clais to wesche fra ony persone quhen thai pass to the wattir bot thar awin masteris claithis vnder the pane of bannassing of the toune for euer.

Foule folk on the mure.—We do yow to wit Forsamekle as James Barbour master and gouernour of the foule folk on the mure is to be clengit and hes intromettit with sindry folkis gudis and clais quhilkis ar lyand in Sanct Rokis chapell Tharfor all maner of personis that has ony clame to the said gudis that thai cum on Tysday nixt to cum to the officiaris and thar clais to be clengit Certyfyand thaim and thai do nocht that all the said clais gif thai be of litill availl salbe brynt and the laif to be gevin to the pure folkis.

Quarto Januarii Anno Domini I^{m} V^{c} *xxx.*

The Souirteis of the broustaris that has falit to be poyndit.—The quhilk day the prouest ballies and counsall decernis and ordanis that all the souirteis of the broustaris that has falit and brokin the statutis of the toune sen thai fand the said souirte that the souirteis be poyndit for xl s and that the said poynd be delyuerit to the ballie of the quarter to be kepit be him apone the broustaris gude bering And gif thai keip the statutis and falis nocht the plegis to be deliuerit to thaim agane And quhilk of thaim that brekis to be spanit the occupatione.

The quhilk day the prouest ballies and counsall ordanis Johne Blakstok as souirte for his wif till deliuer ane plege in the ballies handis of xl ℈ for breking of the statutis of the toune and that his wif forbere in tym to cum and keip the statutis vnder the pain of spanyn fra the operatione.

The quhilk day the prouest ballies and counsall ordanis Patrik Flemyn souirte for his dochtir to be poyndit for xl ℈ because scho brak the statutis and chargis hir that scho brek nocht in tyme to cum vnder the pane of spanyng the operation for yeir and day.

The prouest ballies and counsall ordanis maister Robert Galbraith as souirte for Heline Naper to be poyndit for xl ℈ because scho brak the statutis of the toune and chargis hir that scho brek nocht in tyme to cum vnder the pain of spanying the operatione for yeir and day.

Selling of Leith aill.—The quhilk day the prouest ballies and counsall ordanis Johne Andersone till decess and cess fra all maner of selling and tapping of ony Leith aill in tyme to cum.

THIR AR THE NAMIS of the brostaris of this toune in William Symmis quarter viz fra the vplie stane till Lord Borthikis cloise quhilkis has brokin the statutis of the toune in brewing and tapping off xx ₰ ale the gallone sene thai fand thar souirteis abefore.

William Symsoneis wyff.

. . . . . .

THIR AR THE NAMES of the brostaris that fand na souirte of befor that hes fund souirte now till keip the statutis of the toune quhill Michelmes nixt to cum.

Robert Wilsone is becumin souirte for Majory Falconer vnder the pane of xl ℈.

. . . . . .

THIR AR THE PERSONIS that hes brokin the statutis of the toune in the bying of Leith aill and selling of the samyn agane for xx đ the gallone.

Johne Archibaldis wiff. Thom Stenhouses wiff.

. . . . . .

THIR AR THE NAMIS of the broustaris of this toune in Johne Mauchane quarter viz fra the west port till the Lord Borthikis cloise quhilkis has brokin the statutis of the toune in brewing and tapping of xx đ ale the gallone sene thai fand ther souirteis of befor.

Johne Brodderstanis wiff. William Cowttis wiff.

. . . . . .

THIR AR THE NAMIS of the brostaris that fand na souirte of befor that hes fund souirte now till keip the statutis of the toune quhill Michelmes nixt to cum vnder the pane of xl s̃.

Litill James Johnestone souerte for Sanderis Andersonis wife under the pane of xl s̃.

. . . . . .

Septimo die mensis Julii Anno Domini I^{m} V^{c} *xxxi zeiris.*

It is statute and ordanit be the prouest ballies and counsall for the eise and commoun weill of our Souerane Lordis liegis and eschewin of expensis in tyme to cum that quhat persone man or woman that is warnit be ane officiar of the toune till compeir befor thame at the instans of ony party and thai compeir nocht the first warnyng at the officiar makis thai personis sall pay ane vnlaw of viij s̃ vnforgevin and the nixt warning salbe with certificatione and thai compeir nocht the Prouest ballies and counsall sall proceid and minister justice to the pairtie complener without ony langer delay in peyne of thar contumatione.

LETTER FROM MR ZACHARY BOYD TO MR PATRICK LINDSAY ARCHBISHOP OF GLASGOW XXVIII JAN. M.DC.XXXVII.

LETTER FROM MR ZACHARY BOYD.*

My very honourable good Lord,

My humble ſeruice remembered to your Lordſhip, it hath pleaſed God at this time to deliuer me from the graue, wherein moſt willingly I could have lyen downe as in a bed, if it had pleaſed my Maſter Chriſt to haue ſaid Returne thou Sonne of Adam, as Moſes ſpeaketh in the pſalme of his Lamentations: but now ſeeing it hath beene his will yet to ſay to me *Pasce oues meas*, it is my part to ſtriue to feede them in the integritie of mine heart; yea and to be carefull that after me the place be ſo provided that worthie men may be preferred unto it for the well of ſo good a people which lye heere in a place the moſt eminent in the weſt.

* Zachary Boyd studied at the University of St Andrews from the year 1603 to 1607, when he took the degree of Master of Arts. He became Minister of the Barony Parish, near Glasgow, in 1623, and frequently held offices in that University. Thus in 1625 he was

It is your Lordſhips part before God and honour before men to ſee this done with all haiſt; for a ſudden change of your Lordſhip remoueing from this ſeat may come, ſo it ſhall not be called your Lordſhips doeing what ſhall be done afterward by another; Let me haue an anſwer to theſe who after your Lordſhips remoueing from us ſhall interrogate and ſay *Quid boni inter vos egit Archiepiscopus Lindesius?* If it ſhall pleaſe your Lordſhip at this Seſſion to doe as was commoned, I will ſtand yet be the bargaine, but if this Seſſion ariſe I reſolue to ſerue God carefully in my calling, and to keepe ſtill the little portion which I had in your Lordſhips predeceſſors time untill God find out a waye for the augmentation

one of the assessors of the Rector; in 1634 and in 1645 he was Rector; and in 1651 and 1652 he was Vice-Chancellor. He was one of the greatest benefactors of the College of Glasgow, having in 1630 given 500 merks towards the restoration of the buildings, and a few years afterwards 4500 merks for the support of three Bursars, and having left in his will, in 1652 and 1653, a very large sum, which, added to former benefactions, amounted in all to about 30,000 merks. In 1637 he doted to the College of Glasgow a valuable collection of books; and in 1648 he assigned 4000 merks to the College for the printing of his works, at the sight of the Faculty. In 1654 he was succeeded by Donald Cargill as Minister of the Barony Parish. Soon after his death, his widow, Margaret Mure, married Mr James Durham, then Minister of the Blackfriars Church, to whom the College found

of that ſtipend which is now the meaneſt of all the Preſbytrie conſidering in what a deare place I dwell, haueing neither glebe nor manſe concernit, which alſo I hope your Lordſhip will be carefull at this time that they may be deſigned for that Kirk.

So recommending your Lordſhip and honourable familie to the mercie and protection of God I humbly take my leaue, and ſo reſtis

Your Lordſhips

Moſt humble and obedient Seruant,

M. ZACHARIE BOYD.

From GLASGOWE the 28
of Januar 1687.

it necessary in 1655 to dispone 7000 merks for their life-rent, before any operations for the reparation of the College could be commenced.

The works by which Zachary Boyd is best known are, "The last Battle of the Soule in Death," printed at Edinburgh in 1629, and a translation of the Psalms into English verse, of which four editions were printed at Glasgow prior to 1649. His other metrical writings are still preserved in the Library of the College of Glasgow, and are generally represented to be wretched doggrel. Their demerits, however, have been greatly exaggerated.

The above Letter is printed from the original, preserved in the General Register House.

I tak the boldneſſe as to remember heere the moſt humble ſeruice I am able to mak to my Lord Chancellor my Lord Hadintoune and my Lord Lauderdaile whom I remembered unto your Lordſhip *dum essem in faucibus mortis*. So long as I liue you all ſhall haue a dayly Oratour for your proſperitie.

[*Addressed*]

To the Right Reuerend Father in God my very honourable good Lorde and Patron the Arch-Bishop of Glasgowe.

BANDS OF FRIENDSHIP BY SCOTT OF BALWERY, ORROK OF THAT ILK, AND BOSWELL OF GLASMONT, TO THE LAIRD OF RAITH, ETC.

M.D.IX.—M.D.LVI.

BANDS OF MANRENT, ETC.

1. ANE BAND OF FRINDSHIP AND KYNDNES BY WILYEAM SCOT OF BALWERI KNYCHT TO JHONE MALUYLL OF THE RAITH KNYCHT. 6 FEB. 1509.*

I WILYEAM SCOT of Balweri knycht bindis and oblifis me be the faitht and trewith in my body to ane honorabyll man and my traſt eyme Jhon Maluyll of the Raith knycht that forſamekill as the faid Jhon is bwnd to me in the ſowme of twa hundreth merkis wſwell mone of the realme lyik as at mayr lintht is contenit in the ſaid band maid thairapon Nevyrtheles I will that gyve I falye in my part keping of fauor and kyndnes in tym to cum to the ſaid Jhon that the forſaid obligacion of twa hundreth merkis be of nayn awaill forſe nor effec and be me to be diſchargit and adnullit for evyr In wytnes of the quhilk thing I have affixit my ſeill to this obligatioun wyth the ſubſcriptioun of my hand at Edinburght the ſaxt day of Februer

* These very curious Documents have been printed here by permission of the Earl of Leven and Melville, who obligingly communicated the Originals for that purpose. A facsimile of the beginning and end of the Protection to Kirkcaldy of Grange and Mr Henry Balnaves of Halhill, beautifully written on a fair sheet of Vellum, is given at page 134.

the yeir of God ane thouſand V^c and nyne yeris beſoir thir wytnes Dauid Wemis of that Ilk knycht Jhon Multra of Merkinch Wilyeam Brown of Kowſtown Jhon Multra Alexander Scot of Fingaſk Jhon Boner of Roſſy Wilyeam Kyrcaldy of the Grange wyth wderis diuerſe.

WILLIAME SCOTTE off Balwery Knycht *manu propria.*

2. BAND OF MANRIE BY YOUNG ORROK TO THE LAIRD OF RAYTH. 2 JAN. 1519.

BE IT KENDE till all men be thir preſent letteris me Robart Orrok ſonne to ane honorable man Jamis Orrok of that Ilk byndis and oblifis me be the ſayth in my body to ſtande for all the dayis of my lyeff trowe mane and ſerwande to ane honorable mane Jhone Mailuill of the Rayth knycht aganis all owderis the Kingis grace my Lorde Governour my Lorde of Sanctandrois now preſent the Abbotis and Conwent of Demfermeling and [ſocſeſſoris?] exceppit And ſall tak his affawld part with my perſoune frendis and ſerwandis And atour I ſall nocht heyr his ſchayth diſhonour bot I ſall aduertiſe hyme of the ſamin And I ſall gyff hyme my conſell in all materis to his weill and honour as to my ſalff And gyf this manrent be nocht ſufficient It ſall be extendit as the ſaid Jhone knycht thenkis expedient and the ſaid Robert in the beſt forme At the Rayth ſubſcrivit with my hand the ſecund day of Januar in the yere of God M° V^c and xix yeris befor thir witnes Wellyem Scheuez Jorge Bawlfowr Wellyem Mailuill with owderis diverſe.

ROBART ORROK ſone to wmquhyll James Orrok of that Ilk with my hand.

3. Band of Manrie of Dauid Boswell of Glasmont to the Laird of Reath. Aug. 30, 1520.

Be It Kend tyll all men be thir preſent letteris me Dauid Boiſwell of Glaſmont byndis and oblis me be the faitht and treutht in my body to ane honnorabyll man and my weilbelouit eme Jhone Meiluil of the Raitht knicht that for kyndnes and ald kynreit that hes ben betwyx my forbearis and his in tymis bygane that I ſall leillille and trewly tak the ſaidis ſchir Jhonis part in all his acciounis and quarellis mowit or to be mowit baitht with my body freindis and gudis contrar all men lewand the Kyngis grace my Lord Gouernour and my ouer Lord excep and ſall gyf hym the beſt conſell I kane and ſall keip his conſell ſecreit and auertice hym of his ſchaitht efter my power and this my band to be obſeruit and kepit I bynd me as ſaid is ſubſcryuit with my hand at Balmowto the threty day of Awguſt the yeir of God ane thowſand V^{c} and xx^{ti} yeris befor thir witnes Maiſter Dauid Meiluill Gylyem Hay and Allexander Orrok of Syllebawbe.

David Bosswell of Glaſmont with my hand.

4. Ane Band of Manrie be Alexander Orok of Sillebabbe to John Mailuill of the Raitht knycht. 9 Jul. 1522.

Be It Kend tyll all men be thir preſent letteris me Alexander Orok of Syllebabbe grantis me to be bund and oblift and be the faitht and treutht in my body leillelle and trewly

to be bund and oblyſt to ane honorabill man Jhon Mailuill of the Raitht knycht that I ſall tak his afald and trew part in all his acchiounis and querelis contrar all men lewand quhatſumeuer baitht with my perſone gudis and frendis and ſall giff him the beſt conſell I kane and ſall keip his conſell ſecreit and ſalbe reidy quhenever I am chargit to tak the ſaidis ſchir Jhonis part agane all wderis as ſaid is excep the Kingis graice my Lord Gouernour and the Abbotis of Dumfermlyn and the Laird of Balmowto excep and ſpeſchailli to tak the ſaid ſchir Jhonis part contrar the Lard of Balwery and his bairnis And this I oblis me to keep this ſaid band and gyf it be nocht ſufficient maid I am content that the ſaid ſchir Jhone mak it ſycyrar be the awyce of dyſcreit men ſubſcriuit with my hand and wnder my ſeall the ix day of Julij the yeir of God ane M° V^c xx^ti ij yeris befor thir wytnes Maiſter Dauid Mailuill the Lard of Kardowne Jhone Aitoun.

ALEX^R ORROK with my hand.

5. LETTER KING JAMES V. TO CERTAIN COMPOSITORS TO SETTLE ANE CAUSE BETUIX THE LAIRD OF RAITH AND JHON MULTRAY OF MARKINCH. 29 JAN. 1533.

REX.

Traiſt conſalouris chooſin in the cauſe of aſythtment making betuix Jhon Mailuile of Raytht knycht and Jhon Multray of Merkynche We gret ȝou wele and prayȝ ȝou to dreſs that mater to ane gude end and ſe quhair the occaſioun of diſpleſour

hes begun betuix the ſaidis parteis / and as ȝe fynd cauſe wey the ſamyn to nothir of ther gret hurtis bot quhair the falt is gretaſt modefye als fer conforme therto and that ȝe failȝe nocht to mak ane gud end therintyll that thay may apperandly ſtand in concord eftyrwart Subſcriuit be ws and under our ſignet At Cowper the xxix day of Januar and of our ring the xxj yer.

JAMES R.

To our traist counsalouris compositouris betuix the Lairdis of Raith and Syfeild.

6. Letter from King James V. to the Laird of Reath, relative to the Marriage of his Son with the Laird of Lochlevens Sister. 8 Apr. 1541.

Rex.

Raith We ar informit be our Theſaurer and Maiſter of houſhald that the Larde of Lochleven deſyris ȝour aldaſt ſonne in mariage to his ſyſtyr And as thay haue ſchawin ws ȝe wil nocht end with hym without ȝe knaw our mynd therintill We ar weill content that ȝe contract with hym rathar nor ony otheris And that for diverſe cauſis mowyng ws Tharfor our will Is that ȝe end the ſammyn ſubſcriuit with our hand At our cite of Sanctandrois the thryd day of Aprill and of our Ringne the xxviij yer.

JAMES R.

7. PROTECTION BY MARY QUEEN OF SCOTS TO JAMES KIRKCALDY OF GRANGE AND MR HENRY BALNAVES OF HALHILL. PARIS 17 FEB. 1556.

MARIA DEI GRATIA SCOTORUM REGINA Vicecomitibus noſtris Edinburgi Stirlingi Fifæ Perthæ

Et eorum deputatis ac vicemgerentibus Necnon dilectis noſtris Leoni armorum Regi Roſſæ Butæ hæraldis

Nunciis Vicecomitibus noſtris in hac parte conjunctim et diviſim ſpecialiter conſtitutis ſalutem Quatenus nos ex ſpeciali gratia et favore noſtraque authoritate reginali et rogante ac requirente chariſſimo patre noſtro chriſtianiſſimo Galliarum rege condonauimus ac remiſimus delectis noſtris Jacobo Kyrkcaldy a Grange et Magiſtro Henrico Balnaues a Halhill omnia prodicionis et leſæ majeſtatis crimina unaque quæuiſcumque alia crimina per eos aut eorum quemuis quovis tempore anteacto ante datam preſentium maxime autem turbulento tempore noſtræ minoritatis et infantiæ facta et commiſſa eoſque in noſtram pacem favorem miſericordiam et gratiam tamquam noſtros fideles et obedientes ſubditos recipimus veluti in noſtris remiſſionis et indulgentiarum literis eiſdem deſuper datis et conceſſis fuſius ac latius continetur et exprimitur Veruntamen ſi nos tolerare contingat eos aut eorum quemlibet citari aut in ius vocari coram Judice quovis aut Judicibus ſpiritualibus aut temporalibus intra fines noſtros quouis de crimine antedicto ad inſtantiam cujuſuis partis particularis ciuiliter aut criminaliter veluti noſtrarum legum rigor exigit (maxime autem circa ea quæ commiſerunt tempore obſidionis

arcis Sanctiandreæ) quæ noſtra eſt miſericordia et gratia magis illis obfuiſſe quam profuiſſe videretur ſavore et gratia verſis in odium ac rigorem eadem pœna propoſita nocenti atque innoxio dum verſa vice quæ in illos grata et miſericors extiteramus atrox et ſeuera facta videbimur atque fiet ut gratiam et miſericordiam noſtram nullus conſequatur effectus Cum quæ ab illis commiſſa et perpetrata ſunt crimina ac illis præcipue imputanda veniunt facta et commiſſa ſunt tempore obſidionis arcis Sanctiandreæ dum per noſtram authoritatem et copias illorum vita et ſanguis oppugnabatur et adjuvantibus copiis chariſſimi patris noſtri galliarum regis chriſtianiſſimi armorum vi atque potentia ejecti atque expugnati ſunt: Itaque quæ ab eis commiſſa ſunt crimina atque maleficia in vitæ capitiſque diſcrimen ne caderent (quæ unicuique lege naturæ tueri licet) facta et perpetrata cenſentur Nos igitur premiſſorum rationem exacte ponderantes et diverſis aliis racionibus motæ prædictos Jacobum Kyrkcaldy a Grange et Magiſtrum Henricum Balnaues a Halhill authoritate noſtra ſupradicta eos et eorum quemlibet ſub noſtra protectione ſaluagardia et defenſione ſuſcepimus eoſque exemimus et eorum quemlibet tenore preſentium ſuſcipimus et eximimus ab omnibus Judicibus tam ſpiritualibus quam temporalibus intra terminos regni noſtri quauiſcunque de cauſa aut crimine quod illis imputari poterit ante datam preſentium tam civiliter quam criminaliter maxime vero et præcipue a tempore quo prædictam arcem ingreſſi ſunt uſque ad diem conceſſionis ac datæ præſentium / hancque noſtram exemptionem protectionem ſaluagardiam et ſuperſedere volumus inviolatam ſervari et cuſtodiri pro ſpacio et tempore duorum Annorum proxime et immediate ſequentium datam preſentium Volumus

igitur et ſtricte præcipiendo mandamus vobis et veſtrum cuilibet quatenus viſis præſentibus noſtris literis noſtro nomine et authoritate requiratis imperetis et precipiatis Cancellario noſtro Dominis conſilii et ſeſſionis Juſticiæ Juſticiariæ clerico et advocato noſtro Necnon omnibus aliis Judicibus et officiariis tam ſpiritualibus quam temporalibus generaliter et ſpecialiter intra fines noſtros ne quis illorum præſumat concedere aut dare cedulas aut literas ad inſtantiam cujuſuis perſonæ aut partis conſtitutæ intra terminos regni noſtri contra et adverſus prædictos aut eorum quemvis quaviscumque de cauſa actione aut crimine factis aut commiſſis per eos aut eorum quemlibet durante tempore præſcripto abſque ſpeciali conſenſu licentia et mandato noſtro aut chariſſimæ matris noſtræ Mariæ Reginæ viduæ regni noſtri protectricis gubernatricis et vices noſtras in eodem gerentis Quinimo deſinant atque deſiſtant illos quoviſmodo citare aut in jus vocare aut contra et adverſus eos procedere quovis quæſito colore ut ſupradictum eſt ſub omni pœna et mulcta in quam cedere poſſunt contra majeſtatem noſtram reginalem et authoritatem hac in parte deponendo eos et eorum ſingulos ſuis officiis ea ex parte ſi ipſi aut ipſorum aliqui preſumant aut intendant obſtare et contravenire huic noſtræ plenariæ et maturæ deliberationi et voluntati hac in parte Datum Lutetiæ Pariſiorum ſub noſtris manuali ſubſcriptione et ſigneto die xvij° menſis februarii Anno domini milleſimo quingenteſimo quinquageſimo ſexto Et regni noſtri Anno decimo quinto.

MARIA

Per Reginam

DEGRANTRYE.

Maria dei gratia Scotorum Regina vicecomitibus nris Edmbi
nostris Leoni armorum regi, Rosse Bute heraldis Pursuivantibus. Nuncijs vi
ac requirente Charissimo patre nro christianissimo galliarū rege condonauimus ac remisimus dilectis
eorū quemuis, quouis tempore anteacto ante data presentiū, maxime autē turbulento tempore nre minoritati

. . . . . .

factis aut cōmissis per eos aut eorū quēlibet durante tempore prescripto, absq; speciali consensu licentia
illos quouismodo citare aut inius vocare, aut cōtra & aduersus eos procedere quouis quesito colore vt supra
si ipsi aut ipsorū aliqui presumāt aut intendāt obstare & contrauenire huic nre plenarie & mature del
millesimo quingentesimo quinquagesimo sexto. Et regni nostri Anno decimo quinto.

MARIA

S. Dec Reginam

I.

ACTS AND STATUTES OF

THE LAWTING SHERIFF AND JUSTICE COURTS

WITHIN ORKNEY AND ZETLAND.

M.DC.II—M.DC.XLIV.

ORKNEY AND ZETLAND.

THE early history of the Orkney and Zetland Islands is involved in darkness. Whether, at a remote period, either district had been subject to the Crown of Scotland, seems very doubtful; but it is certain that in the year 1266, both groups of islands were acknowledged to belong to the Kingdom of Norway.

In 1266, a treaty was entered into between Alexander III. of Scotland, and Magnus IV. King of Norway, by which the Isle of Man, and the other islands on the coast of Scotland, were ceded to the Scottish Monarch, but the Orkney and Zetland Islands were expressly reserved by the King of Norway, "*exceptis Insulis Orcadie et Yhetlandie* "*quas idem Rex Norwagie cum dominiis homagiis et reditibus serviciis et* "*omnibus juribus et pertinenciis suis infra easdem contigentibus dominio* "*suo specialiter reservavit.*"* This treaty was subsequently confirmed by Robert Bruce, and Haco V. King of Norway, on the 19th of October 1312.†

* Torf. Hist. Norweg. Vol. IV. Par. IV., lib. 6. cap. 3. Fordun, Ed. T. Hearne, p. 1353–5.

† Acts of the Parliaments of Scotland, Vol. I. p. 101.

From their vicinity to Scotland, however, as well as from the shelter which they afforded to Pirates, and other depredators who molested the adjoining coasts, these islands must always have formed a desirable acquisition for the Scottish Monarchs; and the attainment of this object was probably accelerated by the circumstance of the ancient Norwegian Earldom of Orkney having come to be vested in the noble Scottish family of St. Clair.

Accordingly, it appears that in 1460, when an attempt was made to arrange the disputes which had arisen between the Crowns of Norway and Scotland regarding the arrears of the "Annual of Norway," and which had been referred to the arbitration of Charles VII. King of France, on a suggestion by that Monarch, that the differences of the parties should be settled by the marriage of the Prince of Scotland with the daughter of the King of Norway, one of the first terms proposed by the Scottish Ambassadors was, that the Orkney and Zetland Islands should be given up to the King of Scotland,—"*concederetur Regi "Scotiæ omne jus in Hialtlandiam et Orcades.*"*

At length, in 1468, on the marriage of James III. with the Princess Margaret, daughter of Christian, King of Denmark and Norway, a transaction took place, in consequence of which the Orkney and Zetland Islands came ultimately to be transferred to the Crown of Scotland. It would seem that the Estates of Parliament, having thought it expedient that the marriage of the youthful Sovereign should no longer be

* Torf. Orcad. Lib. II. ad Ann. 1460.

delayed, had resolved "to send ane ambassate in all gudely hast in Den- "mark and uthir places sene spedeful, with full commission to avise "and conclude uppon the mariage of our Soveraign Lord, in gude and "gaynand place, with a convenient person of nobile blude, and to have "full power to mary and bring hame a Quene." * An alliance with Denmark being chiefly desired, (as is plain from the terms of the resolution of Parliament,) the matrimonial Ambassadors proceeded at once to Copenhagen, where they appear to have conducted themselves with great prudence and discretion. One great object was, if possible, to obtain the cession of Orkney and Zetland; it would seem, however, that the Danish Sovereign had hesitated in at once parting with these islands, but he agreed to pledge them in security of a large part of the stipulated marriage portion. This proposal was acceded to by the Scottish Ambassadors; but when, or in what manner, the right of redemption came afterwards to be foreclosed, and the dominion of the Orkney and Zetland Islands transferred to this country, is a matter involved in much obscurity. This, however, is certain, that from that period they have remained attached to the Crown of Scotland. †

* Acts of the Parliaments of Scotland, Vol. II. p. 90. It is a singular circumstance, but which indicates the connection that then subsisted between Scotland and the Orkneys, that the Bishop of Orkney was one of the ambassadors on the part of Scotland to the Court of Denmark.

† Whatever may have been in the contemplation of the King of Denmark, as to subsequently redeeming Orkney and Zetland, it seems very evident that the Scottish Monarch had no intention of speedily parting with this newly acquired territory, and lost no time in endeavouring to incorporate it with the rest of his dominions. James III. was married to Margaret of Denmark on the 10th of July 1469, and on

During the period that Orkney and Zetland were subject to Norway, there is no doubt that, like its other dependencies, they were governed by the laws of that kingdom. It appears that there was a regular digest, known by the name of the "BUIK OF THE LAW," and which formed the ruling authority in the Courts of Justice.* That this code was similar to that of Norway, (modified, perhaps, by some local usages suited to the particular nature of the district,) seems certain, from various documents still extant, which shew that the tenures of land, the rights of succession and inheritance, the modes of transferring property, and the forms of judicial procedure, were nearly, if not entirely, identical with those of the dominant kingdom.

When the islands were transferred to Scotland, it appears to have been understood that their former laws and usages were to be preserved. There is, indeed, no stipulation to that effect in the Treaty 1468, as has erroneously been supposed; but the nature of the transaction would itself seem to imply, that so long, at least, as the right of redemption

the 21st of November of that year, the Bishop of Orkney appears as a constituent member of the Parliament of Scotland. On the 11th of May 1471, an Act of Parliament was passed to ratify a prior contract of excambion, entered into by the King and William Earl of Orkney and Caithness, by which the Castle of Ravynniscrag, and certain lands belonging to the Crown, were exchanged with the Earl for the Earldom of Orkney, "*pro jure suo Comitatus Orchadie;*" and on the 20th February thereafter, the Earldom of Orkney, and Lordship of Zetland, are "annext to ye "Croune, nocht to be gevin away in tym to cum, except allanerly till ane ye Kings "sonis of lachfull bed;" and on 31st March 1486, the Town of Kirkwall was erected into a Royal Burgh, with power to elect a Commissioner to Parliament.

* Torf. Orcad. ad Ann. 1423. Reg. Secr. Con. Feb. 9. 1575. Reg. Sheriff Court of Orkney and Zetland, August 23, 1602.

subsisted, the laws and usages of the district should continue unchanged.

The ancient Provincial Assembly, called the LAWTING, appears to have existed from an early period in both districts. It would be out of place at present to enter into any lengthened discussion as to the peculiar constitution and authority of this Assembly, which was presided over by the principal local magistrate, and unquestionably possessed considerable powers both of a judicial and legislative description.

The judicial powers of the LAWTING, both civil and criminal, seem to have been extensive; in the former, acting as a Court of Original Jurisdiction, for deciding all cases of importance, and as a Court of Appeal, for reviewing the judgments of subordinate magistrates in questions of a minor description. The criminal jurisdiction of this Assembly extended to cases involving the punishment of death.

The legislative powers of the LAWTING were apparently of a more limited nature. It appears not to have possessed the power of altering any of the laws contained in the BOOK OF THE LAW, and accordingly its enactments seem to have been confined to provisions of the nature of police regulations, suited to the peculiar circumstances and situation of the district.

No record of the proceedings of the LAWTINGS, held prior to the commencement of the 17th century, has been preserved. The earliest record extant is that of the Court of Patrick Earl of Orkney, (on whom the most ample civil and criminal jurisdiction had been conferred,) from 1602 to 1604, which contains various enactments of the LAWTING of

Zetland during that period. No contemporaneous record for Orkney has been found; the earliest record of that district commencing in 1612.

From the subsequent Records of the Sheriff Court of Orkney and Zetland, it would appear that the Sheriff had, along with the judicial powers conferred on him, assumed also the legislative functions possessed by the chief magistrate in the LAWTING. From 1612, down at least to the middle of that century, various regulations appear to have been enacted from time to time by the Sheriff. These regulations are made "*with advice and consent of the Gentlemen, Suitors of Court, and Commons*," or "*of the Gentlemen, Suitors of Court, and Baillies of Parochines;*" an imitation, it would seem, of the form of the ancient LAWTING, where the inferior magistrates and proprietors of the district invariably attended, and where the proceedings, whether judicial or legislative, were either in the name or with the advice of the assize.*

These "Country Acts," as they were called, throw some light on the condition of the remote district to which they relate, during the early part of the 17th century. They were published in the Appendix to Dr Barry's History of the Orkney Islands, but apparently from an imperfect and incorrect transcript. They are now printed from the Records of the Sheriff Court of Orkney and Zetland, preserved in the General Register House.

* It does not appear in what manner the Assize were chosen; their numbers seem to have varied from 15 to 28.

THE LATING COURT OF ZEITLAND HALDIN BE ANE NOBILL AND POTENT LORD PATRIK ERLE OF ORKNAY LORD ZEITLAND AND MR JOHNE DISCHINGTOUN HIS DEPUT AT THE CASTELL OF SKALLOWAY BANKIS THE XXIIIJ DAY OF AUGUST 1602.

Anent Dutche Merchandis.—The quhilk day It is heawilie complenit be the gentilmen and haill commonis within the contrie of Zeitland That quhair the Dutche merchandis and utheris straingeris repairing within the contrie hawing thair cowpis sett and ther toillis ressawit for keiping of ane lawfull tred of merchandrice according to use and custome keipit of auld Nochttheles thai and ewerie ane of thame bringis to the contrie and sellis thair wairis with unlawfull mettis kannis bwsmeris and wechtis quhairbe thai ar greitlie inritchit And the haill inhabitantis depauperat and hurt therby Thairfoir It is statut and ordanit that na Dutche merchand stranger or wther present or sell ony barrell meile contening les nor ten leispundeis And that the rest of ther kannis bwsmeris and wechteis cuttellis be usit according to the auld accustomit forme of the contrie to be sichtit and conformit yeirlie be the foldis and sax newtrall men of ilk parrochin and yle within the contrie the saidis merchandis wnder the pane of confiscation of ther schippis and guidis and the said foldis incaice of failzie of ther tryall ilk persoun under the paine of j^{c} li and tinsall of ther office and the brekaris of this yeirlie to be giffin up in dittay under the paines of perjurie.

Actis anent Foirstallaris &c. to be observit.—The quhilk day anent the complent giffin in be the haill gentilmen and commonis of the

contrie That quher thir hes bene dyverse and sindrie lowable actis lawis and conswetutionis maid hiddertillis for mentening and authorising of the commoun veile of the contrie specialie anent foirstallaris theiffis murthoraris burding of schippis steillaris and mellaris with the wrek guidis therof beitting and bigging of necessar briggis besydis diuerse and sindrie actis and conswetutionis maid anent the commoun weile of the land quhilk hiddertillis hes beine overseine to have beine put to executioun to the greit hurt of the inhabitantis of the contrie Thairfoir it is statut and ordanit that the haill actis and ordinanceis maid of befoir thairanent salbe obserwit and keipit in tyme cuming under the panis and penalteis therin contenit And ordanis the foldis of ilk parochin and yle to seik and extract the haill dowbillis of the saidis actis to be publeist and exponit to the commonis and the brekaris and wiolateris therof to be giffin vp in dittay yeirlie to hawe incurrit the penalteis mentionat therin ilk fold wnder the pane of j^{c} ℔i and tinsall of ther offices.

Proceidis upoun the xxv day of August 1602.

That nane lie nor traduce ane uther.—It is statut and ordanit be the adwyse of the essyse that nane lie nor traduce ane uther within the cuntrie of Zeitland to my Lord in ony poynt to the hurt of his nychtbour without sufficient probatioun led And in cais he beis fundin to haif done in the contrair for the first lie to tyne his rycht hand and sword and for the nixt lie to tyne his mowablis and to be baneist the cuntrie And this to be extractit be foldis ilkane of thame under the pane of xl ℔i and publist to the haill commonis of the contrie that nane pretend na ignorance heirof And siclyk that nane lie raile or traduce the Lord or Maiestrat of the coyntrie ether within the coyntrie or without fra this furthe ilk persoun under the pane foirsaid.

That nane intend actioun befoir the Lordis of Counsale &c.—It is complenit be a grete number of the gentill men and commonis of the

coyntrie of Zeitland That they ar hevelie hurt and preiugit be dyverse and sindrie craftie malicious and invyous personis within the contrie quha craftelie beginnis and intendis ther actionis aganes utheris befoir the Lordis of Sessioun and utheris Jugis out of the coyntrie quharbe the haile commonis ar liklie to be wrekit without tymous and speidfull remaid be put therto Thairfoir for remaid of this it is statut and ordanit that nane begin or intend actioun aganis uther within this coyntrie ather affoir the Lordis of Counsale or Sessioun or ony uther Juge temporall or spirituall or rais letteris in ony sort vtow the coyntrie fra this furthe vnles it be tryit that they ar refusit of justice within the coyntrie it selfe With certificatioun in cais they do that they and everie ane of thame quha contravenis thir presentis sall tyne the benefeit of the lawis of the coyntrie and newer to be hard in ony caus therefter And ordanis thir presentis to be extractit out of the buik be the foldis of the coyntrie and yles and publeist throwche the haill lande ilk persone under the pane of xl ti.

Anent servandis passing afe the contrie.—Annent the complent giffin in be ane greit number of the gentilmen and utheris the commonis of the contrie That quhair the foldis and wtheris giffis licence and testimoniallis to a great number of servandis and utheris indwellaris within the land to pas afe the contrie to wther partis quharbe a great part of the landis of the contrie are likelie to ly ley without tymous and speidfull remeid be putt thereto Thairfoir it is statut and ordanit that na skippair merchand or awner carie away or transport afe the contrie ony persoun or personis in ther schipis bottis great or small without my Lordis licence or his deputis fra this furthe ilk skippar merchand or awner under the pane of j^{c} ti als oft as they contravene this ordinance And siclyke that na fold nor uther grant ony licence or testimoniallis to ony fra this furthe wnder the pane to be accuseit as ussurparis of the Kingis auctoritie.

The Court of Dunrosnes haldin be Mr John Dischingtoun at Sowndbrughe the vij day of Julij 1603. *The Suitis callit the Court lawfullie fensit the essyse chosin sworne and admittit.*

THE NAMIS OF THE ESSYSE.

William Bruce of Simbuster
Jhone Neveine of Scowsbrughe
William Fermour fold
Hew Halcro
Malcum Halcro
Malcum in Culbeinsgarthe.
Magnus in Troswik.
Androw Smyth in Sand
Magnus in Channerwik
Magnus Grige
William Yewnsoun in Rearwik.
William Sinclair in Vwtwo
Grigerous in Lie.
Robert Rattray
William Crewkschank.
Thomas Sinclair in Myre.
Lowrence Leisk

Anent leiding peitis to my Lordis hous in Soundbrughe.—It is statut and ordanit be the adwyce of the haill essyse and speciallis of the parochin of Dunrosnes that the haill parochin salbe subject and astrickit yeirlie to leid and carie to my Lordis hous in Soundbrughe the quantitie of twentie four faddome peitis of Zeitland fadomis to be inbrocht uswalie fra this furthe in dew tyme of yeir And to be placeit and stakit at sik part as the fold sall appoynt And that the fold salbe ansuerabill thairfoir And that nane of thaim be stollin or spendit by my Lordis use incaice ony be the fold to be ansuerabill therfoir And in the meintyme appoyntis the fold to cheis sax newtrall men to stent the parochin for

leading of ther peitis And that ilk persoun according to thair laboring leid alyk And this to be done ilk persoun wnder the paine of ane angell nobill quha failyeis.

David Leslie to mak repentance for misusing the kirk of Cunnisbrughe.—It is tryit that Dauid Leslie hes maist schamefullie misusit the kirk of Cunnisbrughe and placeit his guidis therinto making the samen ane kow byre for the quhilk he is decernit to mak his repentance in presence of the Minister and haill congregatioun on Sonday nixt in sackclayth And forder to pay xl s̄ to the King for his offence And forder ordanis the haill commonis to upmak thair kirk dykis lawfull within the space of ane moneth ilk persoun under the paine of xl ti.

That nane frequent the yle of Musa.—It is statut and ordanit that nane frequent the yle of Musa nor travell therinto with boitis or doing ony thing therin by the advyce and companie of Dauid Ked becaus he is appoyntit be my Lord to have the keping and handling of his haill holmis togidder with the haile guidis being therinto For the quhilk he is ansuerabill to my Lord And thairfoir ordanis that nane frequent the saidis holmis under the paine to be accusit for stowth As siclyk ordanis that nane frequent ony of my Lordis holmis with ony selchie netis without leife wnder the paine foirsaid.

Proceidis at Soundbrughe the ix of Julij 1603 *yeiris.*

Anent Ale Sellaris.—Forsameikill as the haile browstaris and wentaris of ale at the nes of Dunrosnes hes contravenit the actis and conswetutionis maid be Arthour Sinclair Shiref for the tyme in sa far as thay have sauld thair ale darrer nor auchtene penneis the pynt and the baik

ane pennie a wantage over ther bying And therfoir ilk ane of them ar decernit to pay x ℔ wnder the paine of poynding And ordanis all the browstaris in tyme cuming to sell ther ale for auchtene penneis the pynt and ilk baik to be sauld for ane pennie in wantage over ther bying onlie according to the auld act forsaid ilk persoun under the paine foirsaid And that the ale be sufficient and owklie to be cunnit be Jhone Sinclair Larycht man and Lowrence Leisk Robert Rattray Grigerous in Lie Thomas Sinclair owklie ilk ane of them wnder the paine of xl ℔ to the effect that the sufficient ale may be sauld according to the price forsaid And the insufficient ale delt to the poore.

The Nes callit Scatsnes.—It is statut and ordanit that the Nes callit Scatsnes with the haill fredomes girse and liberteis therof salbe equalie dewydit amangis the awneris of the landis of Scatsnes ilkane according to ther portionis And the profeitis therof to be dewydit amangis them all according to ther partis.

The Lating Court of the contrie of Zeitland haldin be Mr Johne Dischingtoun Shiref and Justice deput of the contrie of Zeitland At the Castell of Skalloway bankis the xxv day of Julij 1603 *yeris.*

Anent the boitis of Burray.—It is statut and ordanit that the haill inhabitantis of Burray sall mak ther boitis to ly upoun the eist syde of the yle to serve flitt and fwir in my Lordis serwice and that ilk last land serve alyk or than that the haill commonis furneis ane boit amangis thameselffis for fletting ony of my Lordis adois and seruiceis heirefter in all tyme cuming ilk persoun under the pane of xl ℔.

It is statut and ordanit that na boitis fra this furthe sall resort in the

nycht for making of ony merchandice bot in the fair day lycht swa that the nychtbouris be frie of wtheris skayth ilk persoun under the payn of xl ℔i.

At Soundbruche the xxj day of Junij 1604.

Anent the price of aile.—It is statute and ordanit in respect the wictuallis ar guid scheape in the contrie praisit be God that the haill brousteris within the parochin of Dunrosnes sall sell na darrer aile nor twelff penneis the pynt fra this furth And to this effect appoyntit and electis Jhone Sinclair officiar Thomas Sinclair in Myre Robert Rattray and Lowrence Leisk to be cwnstaris to try quhidder thair aile be sufficient or nocht and to do thair dewoir faithfullie therein ilk persoun wnder the pain of x ℔i with speciall derectioun to them incaice of the saidis broustaris ailis be insufficient to escheit and daile the same to the pwir And that the haile broustaris obserwe and keipe this ordinance fra this furth ilk persoun under the pain of x ℔i besydis the escheting of ther brewing lwmes And ordanis the cwnstaris abonewretin to gife vpe the brekaris and contravenaris of this act yeirlie in dittay.

The Court of Burray haldin be ane nobill and potent Lord Patrik Erle of Orknay Lord Zeitland At Hous the xxv day of Junij 1604.

Anent the boitis of Burray.—It is statut and ordanit be adwyce of my Lordis selff that the haile boitis of Burray on the woist syd remaine to serve on the eist syd induring my Lord and his deputtis residence within the contrie bayth be summer and winter quhill thai compleit ther serwice ilk persoun wnder the pane of xl l℔ fra this furth als oft as tha contraveine And in my Lord and his deputtis absence to serwe the straingeris and passingeris upoun ther awin expenssis That is to say

ilk four earing boit to Meawik or Skalloway for ane flitting ane half merk and ilk sax earing ten Schillingis without thai produce my Lorde or his deputis warrand to be friet And siclyk that the haile commonis of Burray contribut amangis them selffis to by ane ferrie boit for serwing of all straingeris and passingeris to Meawik or Scalloway out of Burray vpoun thair awin expensis in maner forsaid ilk persoun under the pane of ten ℔i And that men be furneschit to serwe this boit be croce and the commoditie to be collectit and furth cummand quhill the boitis price be maid owt.

Anent casting of peitis within the yle of Burray &c.—Compeirit Alexander Bruce Procurator for ane nobill and potent Lord Patrik Erle of Orknay Lord Zeitland and dwmlawit with Dauid Sinclair fold of Burray as for himself and in name and behalff of the haile inhabitantis of the yle of Burray Brassay Gulberwik and Querff that thai and ewerie ane of thame sould cast and win ther peitis yeirlie in tyme of yeir according to the ordinance set down in my Lordis precept direct theranent wnder the paine of ane dwmra and siclyk wnder the panis contenit in the said precept And siclyk dwmlawit with him anent the payment of my Lordis wodderis this yeir and yeiris preceiding the samin and in all tyme cuming And that thai sould pay the samin at Midsomer yeirlie ilk persoun under the paine forsaid that is to say Burray Gulberwik and Querff twelff wodderis and Brassay aucht sufficient guid wodderis.

Anent the Wodmell of the contrie.—It is statut and ordanit that the wodmell of the contrie be maid yeirlie of the awin growthe of the wole of that yeir and nocht of the nixt zeir And that na wole be bocht or careit out of the contrie ay and quhill the wodmell be payit ilk persoun to pay j^{c} ℔i to the sellar and the escheting of the wole to the byar and the wodmell to be maid and brocht in Midsomer yeirlie according to use and wount wnder the paine forsaid.

Anent payment of Syse herring.—It is dwmlawit be Alexander Bruce in name of my Lord with Dauid Sinclair in name and behalff of the inhabitantis of the yle of Burray Gulberwik and Querff quha winis ony hering within the yle within quhat day thai and euerie ane of them sould pay ther syse hering to the said Alexander in my Lordis name and mak him payment therof according to my Lordis preceptis direct theranent alreddie Quhilk is ordanit to be done within ane moneth ilk persoun under the paine of ane dwmra.

The Shirefe and Justice Court of Quhitsnes and Weisdale haldin be ane nobill and potent Lord Patrik erle of Orknay Lord of Zeitland at Vsenes the 8 *day of Julij* 1604. *The Suittis callit The Court lawfully fensit The essys chosin sworne and admittit.*

Anent the Eirnis and the Corbeis.—It is statut and ordanit in respect that the eirnis and the corbeis continewallie sleais and destroyis the haile lambes and yung bestiall of the contrie be ressoun that nane waittis on them to slay them according to the auld actis of the contrie Thairfoir ordanis the haile houshalderis within the parochin and sa mony therof as hes gwnis to follow and slea the saidis airnis and corbeis And to haif for his panis according to the auld lawis ane lamb for sa mony eirnis or corbeis quhilk he sleais fra the personis quha desyris to schuit hir And incaice he refuise the lamb offeirit the gwnner to pay xl ś And ordanis that nane schuit or slay ony cunningis uther with gwne net or ony uther ingyne in ony mannis linkis without leife ilk persoun wnder the pane of x li according to the actis.

Anent the Wodnell &c.—The haile essyse ratefeis and appreifis the

haile ordinances maid at Burray anent the Wodmell syce hering peitis and the ordinance maid theranent to be keipit within the boundis Quhytnes and Weisdaile wnder the pane contenit in the actis.

That my Lord haif his accustomit wodderis &c.—It is statut and ordanit that my Lord haife twelff accustomet wodderis and ane ox according as the rest of the contrie payis And that the samin be send in to the Lating this yeir under the paine of poynding And ordanis the fold poil in houff accompaneit with sax honest men to skance and stent the samin throche the parochin nocht onlie for this yeir bot also for the haile byrunis in tyme cuming as he will ansuer therupoun.

The inhabitantis of Quhytnes and Weisdale to pay yeirlie.—It is statut and ordanit at my Lordis command that the haile inhabitantis within the parochine of Quhytnes and Weisdale alsweile haifeing land as mowable pay ane schewnd ox quhilk is callit the sesing ox or at the leist the best grip according to the auld use And this to be payit to my Lord and his chamberlanis yeirlie wnder the paine of poynding.

The uter dyk of Quhytnes to be biggit.—It is statut and ordanit that the uterdyk of Quhytnes salbe biggit upe be the tennentis therof And siclyk William Sinclair of Ustanes is ordanit with his nychtbouris to put upe the Innerdykis to the effect that ather nychtbour may be frie of wther skayth bayth of ther guidis and bestiall ilk persoun according to his ȝaraman And wnder the paine of x li.

The Shirefe and Justice Court of Wais Aithsting and Sandsting haldin be ane nobill and potent Lord Patrik Erle of Orknay Lord Zeitland At Sand the v day of July 1604, *the suittis callit, the Court lawfullie fensit, the essyse chosin sworne and admittit.*

The act anent the kyring oxin out of the parochin.—It is statut and ordanit that nane within the parochin hyre ther oxin out of the parochin or sell ony of ther oxin to Dutchemen strainger or utheris out of the contrie fra this furth ilk persoun quha hyris ony out of the parochin wnder the pane of x li according to the auld actis als oft as thai contravene And that nane sell ony of ther oxin in maner forsaid ilk persoun wnder the pane of xl li *toties quoties*.

The Lating Court of the contrie of Zeitland callit the principall and heid Court therof haldin be ane nobill and potent Lord Patrik Erle of Orknay Lord Zeitland Justice Generall and Shireffe Principall of the regaliteis therof according to his infeftmentis giffin to him therof be the Kingis Majestie At the Castell of Skalloway bankis, the xxij day of August 1604.

Anent the Wodmell of the contrie.—It is statut and ordanit that the wodmell of the contrie be maid yeirlie of the awin growth of the wole of that yeir and nocht of the yeir following And that na wole be bocht or careit out of the contrie ay and quhill the wodmell be first payit ilk seller under the paine of j^{c} li and escheting of the wole to the buyar

And that the wodmell be maid and brocht in yeirlie at Midsomer according to use and wount ilk persoun under the paine forsaid.

Act anent the bying and selling of landis within the contrie.—Taking consideratioun of the great confusioun usit within the contrie of Zeitland anent the buying and selling of Landis therinto continewalie rememberit be the complentis and supplicatiounis of the commonis of the contrie to the greit hurt and commowne weile therof Thairfoir it is statut and ordanit that na persoun or personis fra this furth ather by or sell ony sort of landis with wtheris without the samin be first offerit to the narrest of the sellaris kin according to the use and constitutioun of the contrie And incaice of ther refusall that the samin be offerit nixt to my Lord himselff quha is Magistrat and superiour of the contrie affoir ony uther he payand therfoir as the awneris and he can agrie With certificatioun incaice of failze and contrawening of this present act That the tytillis and securiteis maid or to be maid upoun the saidis landis with all that followit or may follow therupoun salbe null and of na awaile in all tyme therefter.

Anent fisching &c.—It is statut and ordanit lykwyse for the weile of the contrie that na persoun or personis sall fische ley or schwit ony lynis within ony wo of the contrie fra Beltane to Alhallowmes yeirlie according to the auld actis of the land ilk persoun under the pane of x li.

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30 *Julij* 1612.

Curia Tenta apud Urbem de Kirkwall in Orknay in Templo Sancti Magni penultimo die Mensis Julij Anno domini Millesimo Sexcentesimo duodecimo per venerabilem in Christo patrem Jacobum episcopum Orchadensem.

Sectis vocatis et curia affirmata.

Bailleis.—THE QUHILK DAY ane reverend father in God James Bischop of Orknay his Maiesteis Commissioner Shirref and Justice within the bowndis of Orknay and Zetland sittand in judgement Ane certane number being gevin in in lyttis be the inhabitantis of Kirkwall to be Magistrattis did elect nominat and sweir William Carmichaell Dauid Moncreiff Robert Chalmer and James Futhie indwelleris in the said bruch bailleis to governe and beir rewll within the said toun for keiping and reteining the haill inhabitantis within the samen under his Maiesteis firme peace and obedience in that civile societie amongis thame selffis that becummis peciable and guid subiects with power to thame to creat clerks officers dempsteris and vtheris memberis of court neidfull for administratioun of justice.

Counsellouris.—The quhilk day ar nominat electit and sworne Alexander Tailzeour Thomas Mayn Michaell Chalmer Arthur Sinclair William Covintrie Nicoll Sinclair Magnus Cragie and William Robesone Counsellors and Assissors for voiting geving ane a fald counsell and concurring with the saids Magistrattis in all materis concerning thair estait as effeiris.

Ministeris.—The quhilk day It is statut and ordanit that the saids Magistrattis and Counsell sall assist and fortifie the minister and ses-

sioun of Kirk for putting to executioun of all actis and statutis made be thame for mentenance of Godis glorie the edificatioun of the kirk and pwnisching of vyce within thair jurisdictioun.

Mercat day.—The quhilk day it is statut and ordanit That Satterday sallbe a mercat day ouklie in tyme cumming within the said town and that the bailleis and cownsell of the said town sall gif ordour for fleschouris fischeris brousteris baikeris cordineris and vtheris craftismen and lairdis within the said town for keiping of ane civile societie and gwid ordour and repressing of all enormiteis and extortiounis in all tyme cumming.

Drunkin men.—The quhilk day It is statut and ordanit that the saidis bailleis and magistrattis sall exact of everie persone fund drunk of whatsumever rank qualitie or degrie the sowme of fourtie schillingis money *toties quoties* as they sall happin to be fund and mair according to the habilitie of the persone and discretioun of the magistrat And gif they haue no geir pwnisch thame in their persones.

18 *Augusti* 1612.

Curia Vicecomitatus de Orknay et Zetland tenta apud Castellum de Skalloway In aula ejusdem per venerabilem in Christo patrem Jacobum episcopum Orchadensem Commissionarium S. D. N. Regis Vicecomitem dicti Vicecomitatus die xviij° mensis Augusti 1612.

Sectis vocatis et curia legitime affirmata.

Memberis of Court.—The quhilk day ar chosen Mr Harie Aitkin clerk Thomas Yong officer and Gilbert Cantlie adjudicator and Robert Coltart procurator fiscall.

The quhilk day the said reverend father in God produceit his commissioun Quhilk wes red in face of court and maid faith *de fideli administratione.*

The quhilk day the foirsaid memberis of Court chosin electit and sworne the Court fensit suittis callit wes continewit to the morne.

Die decimo nono Augusti.

Beggeris and Vagaboundis.—The quhilk day Forsamekill as thar is monie baith outland and inland beggeris of woll fisch and cornis of honest rank that repairis and sornis thruch the cwntrey and overlayis the same begging woll fisch and cornis and will not be refuissed bot in effect vrges the indwelleris to give thame that hes no necessitie of the same It is thairfoir Statut and Ordanit be the reverend father in God Commissioner Sherref and Justice foirsaid with consent of the gentilmen and comounis that in cais ony sik personis that ar not auld decrepit and misterfull sall be fund heireftir that it sall be lesum to the finder to tak the plaidis from thame or vther thair vpmaist claith and delyver thame selffis to the baillie of the parochin to be pwnischit in the stockis and jogis as idill and vagabound persones And gif the bailye refuis to pwnisch thame conform to the premisis he sall pay to the Shirref or his deput sex punds.

Act contra Chapmen and Foirstalleris.—Item forsamekill as thair is diveris and sindrie Chapmen quha be way of foirstalling at all occasiounis attendis the cumming of schippis and prevenis the inhabitantis of the cwntrey in bwying all soirt of merchandice and selling the same agane to the cwntrey pepill at ane far heicher rait to thair great preiudice and hurt Thairfoir it is statut be the reverend father in God Commissioner Shirref and Justice foirsaid with consent of the gentillmen and

comounis That it sall not be lesum at na tyme heirefter to na chapmen to bwy ony merchandice from ony stranger or merchand of schip vnder the pain of escheiting of the said merchandice and gwidis vnto the tyme the inbringer mak intimatioun to the baillie of the parochin wher he landis and the baillie of the parochin to the parochineris the Sabboth nixt therefter that they being maid forsene may have the first loff of sick thingis as may be maist necessair for thair vse and within thrie dayis nixt efter the secund sabboth of the arryvall of the said schip or schippis it to be lesum to the said chapmen to have place to mak merchandice as ony vther cwntreyman.

Act for Servandis.—Item Forsamekill as thair is monie serviable persones that mareyis and takis up housis nocht haveing whervpone to live wherby the inhabitantis and induelleris in the cwntrey ar damnefeit and hurt for laick of servandis Thairfoir it is Statut and Ordanit be the reverend father in God Commissioner Shirref and Justice foirsaid with consent of the gentillmen and comownis of the cwntrey That it sall not be lesum to servile persones not worth thrieskoir gulyeonis quhilk is lxxij ℔i Scottis to tak vp housis nor no man to set to thame housis or land And gif they doe in the contrair the baillie of the parochin with thrie or four honest nichtbouris quha sall be haldin to go with him at his desyre sall dimolisch and cast doun thair housis and put thame to service and sall caus the setter pay the sowme of xx ℔i And incais the baillie refuisis to do the same he sall be deposit of his office and pwnischit at the discretioun of the Shirref and his deput.

Act for Thift Rowing and pulling of Scheip.—Item forsamekill as the abhominable cryme of Thift is so comoun in this cwntrey and rowing and pulling of scheip quhilk can hardlie be tryed in respect of the wydnes of the bowndis to the great preiudice of the inhabitantis of the Land For remeid quherof It is statut and ordanit be the said reverend

father in God Commissioner Shirref and Justice foirsaid with consent of the gentillmen and comounis that it sall not be lesum at ony tyme of day bot speciallie befoir the sun rysing and efter the sun setting to go thruch his nichtbouris scattell or comontie with ane scheip dog except his nichtbour within quhais scattell he travellis be maid foirsene and desyre him self or ane of his houshold to accompanie him And gif he be fund contrair to the tenor heirof sall pay for the first fault the sowme of vj lib and his dog hangit and not to be lesum to him to have a scheip dog thairefter under the pane of four angellis And gif he be fund the secund tyme not being accompaneyit as said is sall pay sex angellis And gif he be fund the thrid tyme sall be haldin and pwnischit as a Theif And gif it sall happin ony man to be fund day or nicht in ane uther manis holme upone quhatsumever pretence without licence of the awner and speciallie in the holmis now belanging to the Kingis Maiestie without licence of the keiper thairof he sall be reput haldin and pwnischit as a commoun theif conforme to the lawis and practique of this realme.

Act for Sclander.—Item forsamekill as it is havelie complenit that thair is diveris and sindrie persones quha out of thair evell humouris and bad dispositiounis detractis sclanderis and defames thair nichtbouris calling thame hwir theif and sicklyke sclanderous wordis quher they ar hurt in thair name and fame far contrair to all cristiane dewtie equitie and ressoun For remeid quherof It is statut and ordanit be the reverend father in God Commissioner Shirref and Justice foirsaid with consent of the gentillmen and comownis That it sall not be lesum to ony man or woman of whatsumever rank or qualitie at ony tyme heirefter to detract sclander or defame utheris quherby thair name or fame may be hurt or imparit And gif they doe in the contrair the partie contravenar or breker sall pay to the Kingis Maiestie or his deput liij s iiij d And to the partie offendit according to the discretioun of the Judge befoir quhom he sall be citat quha thairefter sall tak cawtioun of the offender

that he sall the nixt Sabboth day thairefter compeir befoir the Minister and parochinaris within quhais boundis they sall happin offend and publictlie in presens of the congregatioun convenit for the tyme confes his fault and crave the partie grevit and offendit forgivenes.

Act for Swyne.—Item forsamekill as it is havielie complenit be the inhabitantis of the cwntrey that they ar havielie damnefeit and hurt anent hirding and keiping of swyne quha castis vp eittis and destrois thair nichtbouris cornis and girs within dyke in forbiddin tyme Quhairfoir it is statut and ordanit be the reverend father in God Commissioner Shirref and Justice foirsaid that gif heirefter ony nichtbours swyne sall cast up eatt or destroy his nichtbouris cornis or girs foirsaid in forbiddin tyme that the partie interest hurt and damnefeit for the first fault sall adverteis the awner of the swyne of his skaith onlie And gif they sall be fund the secund tyme for the secund fault sall poind the said swyne and wairne the awner thairof And incais of his absens his wyff or bairnis being of perfyte age and sall wairne thaime to cum and sie the skaith compryait quhilk they sall be haldin to pay within twentie four hours Quhairfoir it sall be lesum to the baillie to poind And for the thrid fault gif ther sall happin to be fund the thrid tyme it sall be lesum to the partie finder or challenger in maner foirsaid quha sall happin thrie tymes to be damnefeit and hurt in maner abouewrittin to slay the said swyne but dainger of pryce spuilye or uther dainger of law quhatsumever.

Act for Thift.—Item for remeid of thift quhilk aboundis greatumlie to the preiudice and hurt of monie within this cwntrey It is statut and ordanit be the reverend father in God Commissioner Shirref and Justice foirsaid with consent of the gentillmen and commounis That all pedderis chapmen or buyeris of hydis skinis or woll fra quhatsumever persone or persones sall cum to the baillie of the parochin within quhais boundis he sall happin to bwy the same and schaw him the hydis skin or woll with

the mark thairof and fra quhome he coft the same And sall not conseil fraudfullie nor say deceitfullie that he coft from ane persone quheras of verritie he coft the gwid from another bot sall tell the treuth vpon his great aithe vnder the pain of confiscatioun of his pack.

Act for Ryding uther mens horsis and stowing of thair taillis.—Item it is statut be the said reverend father in God with advyse and conseil foirsaid for remeid of ryding uther mens horsis that quhasoever sall be apprehendit ryding ane uther manis hors without licence and leave of the awner inwith the parochin quhair the awner of the hors duellis sall pay to the Kingis Shirref or deput four merks and to the partie awner iiij merks And gif he be fund and apprehendit ryding ane uther mans hors outwith the parochin quhair the awner of the hors duellis he sall pay viij merks to his Maiesties deput and viij merks to the partie And gif it sall be tryed and fund that the ryder and taker of the hors hes overriddin ma parochins for everie parochin according to the distance of the place of the parochin out of the quhilk the said hors wes takin sall triple quadruple or augment according to the severall parochins quhairthrow it sall happin him or thame to ryde And gif the ryder have na moyen to satisfie the foirsaidis penalteis proportionallie as is abouewrittin he to be pwnischit in his persone effeirand to the offence and deid at the discretioun of the Judge And quhasoever sall be tryet or fund to stow or cut ane uther mans hors taill the doer thairof sall be pwnischit as a theif at all rigour in exempill of utheris to commit the lyke.

Publication of these Acts to be made at everie Paroch Kirk.—Item for the better fulfilling of the foirsaids actis and putting the same to dew executioun in the haill heidis and clausis thairof It is statut and ordanit be the reverend father in God Commissioner Shirref and Justice foirsaid with consent of the Gentillmen and Comouns that the bailleis of ilk parochin sall mak publicatioun thairof at thair paroch kirk quhairby nane pretend

ignorance upone the first lauchfull Sonday nixt heirefter following And sall put the saidis actis and everie ane of thame to dew executioun in the haill heidis articklis and clausses thairof and sall be comptabill for the discharge of thair offices quhairby his Maiesteis lieges or ony within thair jurisdictioun and severall bailliareis hes bene delayit or frustrat of justice and dew executioun thairof Or incais that ony of thame sall be tryet or fund to oppres or wrang ony persone or persones within thair bailliareis by the exacting of services or ony vther thing quhilk is not dew to thame or to ressave buddis or brybbis for perverting of justice Than and in that cais or ony vther of the lyke nature or qualitie they sall be haldin baith to repair the wrangis at the sicht and discretioun of the Shirref quhilk they have done As also they sall be estimat infamous or unworthie ever to bruik office or credite in ony tyme thairefter.

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Curia Vicecomitatus de Orknay et Zetland tenta apud Castellum de Skalloway bankis per venerabilem in Christo patrem Jacobum episcopum Orchadensem Commissionarium S. D. N. Regis et Vicecomitem dicti vicecomitatus die vigesimo primo Augusti 1612.

Curia tenta et legitime affirmata.

Dittay contra the Egiptianis for slauchter.—The quhilk day Johne Faw elder callit mekill Johne Faw Johne Faw younger callit Littill Johne Faw Katherin Faw spous to umquhill Murdo Brown Agnes Faw sister to the said Litill Johne wer indicted and accusit for airt and pairt of the cruell and unmercifull slauchter of umquhill Murdo Brown egiptian committit be thame upone the grund of the landis of Garth within the parochin of Delting Lordship of Zetland and Sherifdome of Orknay upone the last day of July last bypast And als the said Johne Faw

younger wes indyttit and accusit for geving his bodie to the abhominable vice of incest with Barbara Faw his wyffis sister and with Helen Faw his wyffis sister dochter And for geving the use of his bodie to the abhominable vice of Adulterie with Katherin Faw spous to the said umquhill Murdo And last they and everie ane of thame wer indyttit and accusit for commoun thift and commoun pyckrie and for geving of thame selffis furth for Sorcereris givearis of weirdis declareris of fortownis And that they can help or hinder in the proffeit of the milk of bestiall Quha denyit the same Compeirit Robert Coltart procuratour fiscall and desyrit the foirnamed persones to be put to the knawledge of ane assyse and justice to be ministrat conforme to the dittay Compeirit Waltir Ritchie notar procuratour for the foirnamed persones indyttit Quha alledgit that they awcht not to be put to the knawledge of ane assyse becaus it is of verritie conforme to the practique of this realme Egiptianis have never bene adjudget to the death for slauchter amongis thame selffis And so giveand and not grantant that they had committit slawchter yet being Egiptianis and amangis thameselfis they sould not be put to the knawledge of ane assyse nor adjudgit unto the death To the quhilk it wes ansuerit be the said Procuratour Fiscall That the foirsaid alledgance awcht to be repellit Becaus conforme to the commoun practique quher slauchter is committit within ony Jurisdiction they awcht to be pwnischit conforme thairto within the samen Bot so it is that they have committit slawchter within this Jurisdiction Ergo Secundlie It wes alledgit that if ony slawchter wes it wes in thair defence Lykeas he offeris him to preiff that the said umquhill Murdo drew the first sword To the quhilk it wes ansuerit that it awcht to be repellit in respect of the slawchter and dittay Thridlie it wes alledgit be the said Walter that the haill foirnamed persones indyttit as said is except the said Katherene Faw aucht to be assoilyeit Becaus the said Katheren slew hir said umquhill husband with hir awin hand with a lang braig knyff and cravit hir declaratioun thairupone quha confest the fact Quherupone the said Walter for the

part of the rest of the foirnamed persones askit instrumentis and act of Court And Robert Coltart procuratour fiscall protestit in the contrair The Judge repellit the foirsaidis twa alledgances And ordanit the foirsaidis persones to be put to the knawledge of ane assyse.

ASSISA.

Nicoll Sclaitter in Skallowaybankis
William Magnussone of Neip
Magnus Olasone of Ilsbruch
David Kaid in Skallowaybankis
Malcolme Mowat ther
Magnus Cogill in Papastour
Chanr Berard Mowat in Collafirthe
David Foster of Lunay
Jerome Nicolsone in Caldcliff
Magnus Olasone in Aithsnes
John Magnussone in Garmantwat
Magnus Bult fowd of Brassay
Magnus Smith in Brassay
Henrie Wischart in Burraland
Thomas Lentroun skipper in Leith.

Quha being sworne and admittit The said Robert Coltart procuratour fiscall forsaid askit instrumentis and protestit for wilfull errour in cais of not delyverance affirmative Past altogether furth of court ryplie advysit and enterit agane Fand delyverit be the mouth of Berald Mowat chancelar the said Katheren convict of the slawchter of hir said umquhill husband the tyme foirsaid and fand the remanent persones quyt and frie thairof Efter quhais declaratioun The Judge decernis and ordanis the said Katherene to be tane to the Bulwark and cassen over the same in the sey to be drownit to the death and dome given thairupone And decernis the remanent persones to be quyt of the crymis abonewrittin.

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Curia Capitalis Vicecomitatus de Orknay et Zetland tenta in Kirkwall per honorabiles viros Henricum Stewart de Carlongyie et Magistrum Wilielmum Levingstoun Vicecomites deputatos dicti Vicecomitatus die vij Junij 1615.

Jonet Drever and Katherene Bigland tried for Witchcraft.—The quhilk day Jonet Drever and Katherene Bigland alias Grewik being pannald indytit and accusit for airt part vseing committing and practizeing of the abhominable and divelishe cryme of witchcraft contened in the particular and severall pointis or dittays gevin in aganes thame Compeirit Robert Coltart procuratour fiscall and desyrit persones to be put to the knawledge of ane assyse of the persones following viz &c &c

The said persones being receavit sworne and admittit past al togidder furth of court and ryplie advysit inenterit agane fand and delyverit all in ane voice for the most part the said Jonet Drever be the mouth of Robert Menteth chancelar To be convict and giltie of the fostering of ane bairne in the hill of Westray to the fary folk callit of hir our guid nichbouris And in haveing carnall deall with hir And haveing conversation with the fary xxvj zeiris bygane In respect of hir awin confessioun And sicklyk fand and delyverit for the maist part be the mouth of the said chancelar the said Katherene Bigland To be convict and giltie of witchcraft for standing in the style or the kirkzaird of the croce kirk of Westray with drawin knyffis in hir hand quhill Marioun Tailzeour hir mother and vtheris that wes in hir companie cam furth of the said kirk the most part of ane nicht Item convictis and fyles the said Katherene for laying of ane duyning and quotidean seiknes upon William Bigland in Swartmiln hir master Item fylit the said Katherene for

practizeing of the said divellische cryme of witchcraft In going furth under clud of nicht about Candelmes last and bringing in to the said William his hous of wattir as apperit And wesching of the said William his back therwith And laying him doun saying he wald gitt guid rest and lying doun betuix him and the dor having refuissed to ly in any uther place And the said William haveing walknit with fear and crying and feilling a thing lyke a ruche scheip abone him In saying to him be not affrayit for it is the evill spreit that trublit yow that is going away And in taking of the said William upone the morne at nicht efter sun setting under the bankis and wesching of him with salt wattir at that tyme And fyve or six vthir nichtis therefter quhill he receavit healthe be hir unlaufull and divelische airt of witchcraft Item fylit the said Katherene in laying of the seiknes the said William had upone Robert Broun his servand quha continewit therin almost mad tuo dayis quhill schoe cam and graippit his pulses and brow and straikit his hair backwards and saying he wald be weill And casting of the same seiknes immediatlie upon the said William Bigland And the said Katherene being challengit within the said Ile therfor for taking of the said seiknes af the said Robert and casting the same agane upon the said William In saying if William Bigland livid schoe wald die And thairfoir God forbid he leive Efter quhais deliverance the Judges decernis and ordanes the said Jonet Drever to be tane upon the morne betuix 8 and 4 houris efter nune and scurdgit fra the end of the said toun to the uther And thaireftir to be banisched the cuntre And nevir to returne under the pane of death And siclyke decernis and ordanes the said Katherene Bigland to be tane to the heid of the lone the morne at tua efternune And thair to be bund to a staik and hangit to the death and brint to asches And dome gevin heirupone.

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1 *Augusti* 1615.

Curia Vicecomitatus de Zetland tenta apud Castrum de Scalloway bankis In aula ejusdem Per honorabilem virum Magistrum Willielmum Levingstoun Vicecomitem Deputatum dicti vicecomitatus die Primo mensis Augusti Anno Domini Millesimo sexcentesimo decimo quinto.

Sectis vocatis et Curia legitime affirmata.

Memberis of Court.—THE QUHILK DAY ar chosen Robert Raa In Procurator Fiscall Robert and George Blakis and Gilbert Cantlie Officeris sworne and admittit and Magnus Cromertie in Dempster And all actiounes continewit to the thrid day of this instant.

Tertio Augusti anno 1615.

THE QUHILK DAY Forsamekle as sin and iniquitie is and hes bein the caus of Goddis havie plagues and judgementis And that partition wall quhilk devydit the people frome the presence of God and the caus of gryt dissollatioun in kirk and policie within this countrey for laik of disciplein And putting of the actis of the kirk (quhilk has bein grytumlie contempnit in tymes past) to dew executioun And sicklyke that ther hes bein gryt ignorance of his most sacred Majesties royall and supreme auctoritie In practiseing of forren and uncouth lawis contrair to the tenour of the Actis of Parliament and secreit counsell maid theranent And Lykwayis That ther hes bein gryt dissolatioun in the commone weill trouble and dissorder injuries and wrangis amongis the Inhabitantis of the land for laik of governement administratioun of justice and putting of the samen to dew executioun THAIRFOIR It is

Statute and Ordainit be the said Sherif deput with advyse and consent of the gentlemen sutteris of court and commounes all with ane advyse consent and assent as efter followis.

For punischment of sin and vice.—IN THE FIRST It is Statut and Ordanit For punischement of sin and vice That the actis of the kirk maid and to be maid be the Ministrie and thair Sessioun of kirk aganes transgressouris and sinneris be put to dew executioun with all rigour in example of utheris to do the lyk Be stocking joging and gowing of the saidis Malefactouris and be putting of thame in brankis douking in the sey and in useing of all uther publict punischement ansuerable to the qualitie of the falt And to this effect that the baillie of ilk parochin and his officer concurr and assist thair ministeris elderis and thair officeris in putting all sick statutis maid or to be maid in thair said sessioun of kirk to dew executioun as said is for mantenance of Goddis worship keiping of the sondayis suppressing of all Idolatrie speciallie of walkis and pilgrimadges And all utheris vyces and punisheing persones refractarie and dissobedient to thair disciplein under the panes of deprivatioun and payment of fourtie pundis to be employed *ad pios usus.*

That all persones honour the Kingis Majestie.—Item It is Statut and Ordanit That all maner of persones of quhatsumever rank qualitie and degrie sall honour thair dread Soveraing the Kingis Majestie and submitt thameselves with all reverence to his auctoritie and obey his law disclame and renunce all forren lawis actis statutis and constitutiounes quhatsumeuer observeit heirtofoir under the panes contenit in the actis of Parliament and most honorabill Privie Counsell maid thairanent And that all men according to thair rank and degrie provyde thameselves of sufficient armour according to thair estait And be in reddines at all occasiounes to serve his Majestie and Deputtis present or that sall

be for the tyme ffor suppressing and withstanding the incursiounes of Pirottis and utheris tumultous persones as they wilbe ansuerable upoun thair hyest perrell.

3. *Anent directing of the corse.*—Item It is statut and ordanit to the effect forsaid That ilk hous and familie sall cairfullie and diligentlie direct the corse to his nixt nychtbouris with ane sufficient berar ffor admonishing the people to convein aither to kirk to preichins or prayeris or for his Majesteis service and sick uther necessar causis as salbe thought expedient be the Minister Shireffis and Justiciaris or thair Bailyeis and sall not stay nor lay doun the same bot direct it with all diligence upoun the recept therof under the pane of vj ℔i money *toties quoties.*

4. *Anent false wechtis.*—Item It is statut and ordanit ffor eshewing of false wechtis and measouris That all Bwsmeris be merkit with his Majesties mark and all cannes be ansuerable conforme to the scottis ṕynt and quart And that the Dutche Merchandis barrellis and all utheris traffeccaris be of sufficient bind And that thair ry maill barrellis be weill packit contening aucht lispund and ane half lispund maill And the contravenaris heirof to pay ten pundis for the first falt and double the said paine sa oft as they sall happin to contravein thereafter And that by and attour the paines contenit in the actis of Parliament maid theranent And punishment to be inflictit upoun thame conforme therto.

5. *Anent vagabondis and beggaris of woll.*—Item It is statut and ordanit that na outland nor inland beggeris of woll fishe and cornes of honest rank sall repair throw the contrey nor ourlay the samen begging steilling rowing and pulling of scheip under pretext therof And incais ony sick persones that ar nocht auld decripit and misterfull salbe fund

heirefter begging in maner forsaid That it salbe lesum to the finder and apprehendar to delyver thame to the Bailie of the parochin to be punisheit as idle vagabound persones in the jogis or stockis And gif the bailyie sall refuis to punishe thame conforme to the premisis or utherwayis to present thame to the shirefe or his deputtis he sall pay to the Shireff or his deputtis the sowme of tuentie pundis.

6. *Anent the payment of the lating oxin and scheip.*—Item It is statut and ordanit That all sick landis as hes bein in use and custome of payment yeirlie of ye lating oxin and scheip at ony tyme sen ye first impositioun sall pro rata pay the samen for releiff of the comones and pure anis notwithstanding of ony immunitie or oursicht they have haid in tyme bygane.

7. *Anent quhitred craw corbie and earne.*—Item It is statut and ordanit be the advyse foirsaid with consent of the ministrie that everie bound bailyie minister and gentilman sall present this nixt yeir allanerlie to the heid court the first tysday of August aither the heid of ane quhytred craw corbie or earn or ony of the fowlis egis in maner efter devydit, viz. ilk bound ane heid or ege or the soume of xij ℔ money Ilk minister thrie heidis or thre egis or the soume of xxxvj ℔ money Ilk gentlemane four heidis or four egis or the soume of xlviij ℔ money And ilk bailie sax heidis or sax egis or the soume of iij ℔i xij ℔ money And that the names of the parochineris be inrollit be the baillies and the heidis or egis to be inbrocht be thame conforme to this present act.

8. *Contra Repaireris to Brassay.*—Item It is statut and ordanit that in all tyme cuming no persones or persone sall repair to the sound nor Isle of Brassay for furnishing of beir viveris and uther necessaris to the Hollanderis and utheris foirrennaris committing thairby villanie fornicatioun and adultrie under the paine of tuentie pundis *toties quoties* as

they sall happin to be challengeit And that the awneris of the ground sall dimolishe all houssis bigit nor sall suffer nane to be bigit nor mak recidence thair to the effect foirsaid under the lyk paine of xx lib.

9. *Anent the Holmes.*—Item It is statut and ordanit that gif it sal-happin ony man to be tryit or fund in ane uther manis holme be day or nycht upoun quhatsumever pretext without licence of the owner and speciallie in the holmes now pertening to the Kingis Majestie without licence of the keipers therof he salbe haldin for the first falt to pay the soume of x li and for the secund the soume of xx li and for the thrid he salbe haldin reput and punishit as a commoune theiff.

10. *Anent gude nychtbourheid.*—It is statut and ordanit that gude nychtbourheid be keipit amangis nychtbouris in ilk parochin in all tyme cuming in bigging of ther dykis yeirlie and putting of the swyne to the hill before the fyftein day of Aprile keiping and hirding of the sheip befoir the said day And in keiping of the nolt horse and uther bestiall afoir the first day of Maij under the paine of xl s money to be payit to the Shiref or his deputtis And incais of contravening and breking heirof sa that nychtbouris be dampnyfyit and hurt be utheris in nocht tymous dyking keiping and hirding as is abonewrittin In that cais the contra-venaris to pay to the partie interest and skaythit as followis To wit befoir Lambas sall pay for ilk sheip tua s for ilk suyne x s and for ilk hors meir or nolt four s *toties quoties* And efter Lambas sall pay the double of ilk pane *toties quoties* as they or ony of thame sall happin to be within dykis and lawfullie tryit before the baillie of the parochin to have bein in thair nychtbouris skayth the dykis alwayis being maid lawfull and sufficient Lykas immediatlie efter the tryell of the said baillie It salbe lesum to him to poynd and uplift the saidis paines And that by and attour the comprysing of the said skaith and payment of the samen conforme to the daylie practique observit in sick caisis.

11. *Anent sheip doggis.*—Item It is statut and ordanit that it sall nocht be lesum to ony man to keip sheip doggis bot sick persones as salbe approven and allowit be the bailye and parochinaris quhais names ar tain up in ilk parochin alreddie And for the quhilk doggis thay salbe haldin to ansuer under the paine of x ℔i by the payment of the loissis and to be done be thame conforme to the law and practique.

12. *Anent grindis and yettis.*—Item It is statut and ordanit that all grindis and yettis in all hie wayis salbe cloisit be all passingeris that enteris therby in sick sort as they opin the saidis grindis and yettis Thay salbe haldin incontinentlie to cloise the same agane under the paine of xl ß *toties quoties* And that no comone grindis nor yettis be stopit or cloisit up that hes bein of auld and yit necessar and neidfull to be under the paine of x li℔.

13. *Anent going throuch thair nychtbouris scattell.*—Item It is statut and ordanit that it sall not be lesum to ony persone or persones at ony tyme of day bot especiallie afoir the sune rysing and efter the sune setting to go throuch his nychtbouris scattell or comontie with ane scheip dog Except he be accompanyed with ane or twa nychtbouris famous honest men And gif he be fund contrar to the tenour heirof he salbe haldin to pay for the first falt the sowme of vj ℔ib money and the dog to be hangit And it nocht to be lesum to him to have ane scheip dog thairefter under the paine of four angellis And gif he be fund the secund tyme nocht accompanyit as said is he sall pay sax angellis And gif the thrid tyme or gif he salbe fund under cloud of nycht beand ony wayis suspect the samen beand proven he salbe reput and haldin ane and punishit as ane comone theiff.

14. *Anent ranselling.*—Item It is statut and ordaneit for eschewing and tryell of thift in tyme cuming that it salbe lesum to the partie

interest with the baillie or officiar of the parochin or tua or thrie honest men to be chosen be thame to ransell seik and searche all houssis and suspect places within the samen And incais of nocht finding or suspicioun to pas to the nixt parochin or beyound the same And ordanes the bailie of ilk parochin or officiar to concur with the partie interest in maner foirsaid for apprehending thairof as they will eschew to be reput and haldin partakeris of the said cryme.

15. *Anent rowing of sheip.*—Item It is statut and ordanit that it sall nocht be lesum to no maner of persone nor persones to rowing ony scheip unto the tyme they be lawfullie warnit be the bailie of the parochin to ane competent day as they will eschew to be reput and haldin as theiffis and punishit conforme therto.

16. *Anent Peddereris.*—Item It is statut and ordanit that all pedderis chapmen or utheris byaris of hyddis skinnes or woll fra quhatsumever persone or persones sall cum to the baillie of the parochin or to tua famous and honest nychtbouris within the boundis quhair they sal happin to buy the same and shaw to him or thame the hydis skines or woll And fra quhome they coft the samen Lykas the seller salbe haldin to do the samen Or incais aither the buyer or seller refuise to give thair aithis of veritie to the bailyie of the parochin being requyrit be him to that effect It salbe lesum to the said bailyie to confiscat the saidis guidis to the shireffis use.

17. *Anent Flescheouris.*—Item It sall nocht be lesum to no fleshouris nor na utheris byaris nor slayeris of fleshe to sell to na inhabitant within the contrie nor outwith the samen the saidis fleshis unto the tyme they cum to the Bailie or tua honest nychtbouris and shaw thame the beast the merk And the manes name fra quhome they coft the samen quha salbe haldin to comitt the byaris name in wryt together with the

beast and merk therof And fra quhom and at quhat tyme the samen wes bocht as the slayeris and sellaris of the bestiall will eshew to be reput and haldin as stellaris therof and punished thairfor as accordis.

18. *Anent transporting of Servandis.*—Item It is statut and ordanit In respect of the scarcitie of servandis to labour the ground and the punishment of theiffis and utheris malefactouris That na maister skiper nor ony of the acquippadge of ony bark boat crear or ship sall transport ony bound manes servant or boy furth of the contrey without licence of the schireff or in his absens without ane sufficient testimoniell of the minister and bailie and thrie or four honest famous men of the parochin within the quhilk he or they sall happin to duell for the tyme under the paine of j^{c} ℔ib.

19. *Anent hyring of Servandis.*—Item It is statut and ordanit that nane fie hyre nor conduce ane utheris manis servand except they be dischairgit be the maister or that they have dischairgit ther maisteris lawfullie fourtie dayis befoir ane lawfull terme Nor that nather gentlemanis boundis man nor na uther receave ony sick persones nor give thame hospitalitie nor intertenement nor yit set to thame housis nor receave support nor suplie ony vagaboundis idle men nor unlawfull wemen wnder the pane of x ℔i *toties quoties.*

20. *That na man by nor sell with ane uther manis servand.*—Item It is statut and ordanit that na man seduce by bargane nor sell with ane uther manes servand by the knawledge of his maister as they will eschew to be punishit as receptaris of thift And it being tryit the geir to be restorit to the rycht awner but repayment of the prices therof.

21. *Anent ryding of uther menis horsis &c.*—Item It is statut and ordanit that quhatsumevir persone salbe apprehendit or tryit to have

riddin ane uther manes hors without licence within the parochin quhair the awner of the horse duellis sall pay to the scheriff four merkis scottis money And to the partie interest the soume of uther four merkis And if he be fund and apprehendit ryding ane uther manes horse outwith the parochin quhair the awner of the horse duellis salbe haldin to pay the double of the said paine And forder according to the distance of place from the parochin out of the quhilk the said horse salbe takin sall triple quadruple and augment the said paine effeirand to the seuerall parochines quherthrow they sall happin to ryd the said horse And Lykwayis it sall nocht be lesum to ony man to cut or steill ane uther manes horsis taill under the paine of x ℔i And gif the rydearis cuttaris or steillaris forsaid sall have no moyane to satisfie the saidis penalties proportionallie as abonewrittin they to be punishit in ther persone effeirand to the deid and offence at the discretioun of the Judge.

22. *Anent boitis hyris.*—Item It is statut and ordanit with advyse and consent foirsaid That all men be sufficientlie provydit in boitis for serveing of his Majesteis leiges in ther lawfull and necessar adois upoun thair ressonabill chairgis for payment of sick competent fraucht as efter followis under the paine of x ℔i To wit at Bruna sound ij s̄ From Vnst of Gudshyre in Zell or Fetlar or ather of thame 4 s̄ From Vnst to Reafirth in Zell sex s̄ Frome Reafirth to Setlar four s̄ Fra Lunafirth aucht s̄ For Zell sound to Biga four s̄ Zell sound to Northmavin aucht s̄ Fra Glus to Caldback fyve s̄ Fra Bræ to Aith aucht s̄ Papa sound ij s̄ Fra Bigsetter to Skalloway xij s̄ the ferrie at the kirk of Wiesdaill tuelf pennyes Fra Skalloway bankis to Mawick tuelf s̄ Fra Mawick or fra Skalloway to Hous sex s̄ Brassasound tua s̄ Quhailsay sound sex s̄ And fra Wassie to Glames to Laxfurde thrie s̄ Lykas it salbe lesum to all sick persones as hes boitis and nocht servandis to serve the liegis To charge sick nychtbouris as may convenientlie to serve upoun ressonabill daill of fraucht under the pane of xl s̄ And In cais of wilfull re-

fusall of the boitsman It salbe lesum to the passinger or passingeris to tak the boitis for the transporting but danger of spulzie The passingeris alwayis at thair landing placeing the boit saiflie And this but prejudice of that service dew to Schireff Commisser or ther servandis and utheris his Majesteis Commissioneris And but prejudice of dew and thankfull service in transporting of the Ministerie ouer the foirsaidis ferries and vtheris necessar sound or vois for serveing of the cures conforme to the lovable custome observeit in tymes bygane.

23. *Aganes conceilling of thift &c.*—Item It is statut and ordanit that na persone nor persones of no rank qualitie nor degrie sall hyde nor conceill ony kynd of thift sorcerie nor witchcraft bluid wrang injurie roberrie nor oppressioun wrak or ony kynd of waith Bot sall impart shaw and delait the same to thar Bailies or to the Sheriff deput as they will eshew to be reput and haldin as partakeris therof and punishit therfor conforme to the lawis and practique of this realme.

24. *Contra Bailies oppressoris.*—And finallie It is statut and ordanit be the said Sheriff that the bailyeis of ilk parochin sall mak publicatioun heirof in ther paroche kirkis quherby nane pretend ignorance of the premissis And that they sall put the saidis actis and euerie ane of thame to dew executioun In the haill heidis articles and clausis therof ffor mantenance of Goddis worship the reverend obedience of his Majesteis most royall and supreme auctoritie and lawis And for the peax and guid of the Inhabitantis of the land And incais it sall happin the saidis baillies or ony of thame to be tryit and fund to have oppressit or wrangit ony persone or persones within thair bailyearie by exacting of unlawfull services feastis or bankquettis or be taking of buddis or brybis for perverting of justice Or in ony sort in oppressing the pure or doing of ony uther deid of the lyk nature and qualitie contrar to equitie and reassoun In that caise he salbe haldin to repair the wrangis at the sicht and

discretioun of the Shireff deput and salbe estimat unworthie to bear office or credite in tyme cuming And that by and attour the dew punishment to be inflictit upon thame according to the demerite of the fact.

7 *November* 1615.

Curia Capitalis vicecomitatus de Orknay et Zetland tenta apud Kirkwall in nova domo prope palatium de Yeardis ibidem per honorabiles viros viz Henricum Stewart de Carlougie et Magistrum Colinum Levingstoun vicecomites deputatos dicti vicecomitatus septimo die mensis Novembris anno domini Millesimo sexcentesimo decimo quinto.

Curia tenta et legittime affirmata.

Anent the preamble and caus of the Actis following.—The quhilk day Forsameikle as sinne and iniquitie is and hes bein the caus of Godis heavie plaigues and judgmentis and the caus of great desolatioun in kirk and policie within this cuntrey for laik of discipline and putting of the actis of the kirk quhilk hes bein meikle compleinit in tymes past to dew executioun And siclyk that thair hes bein great ignorans of his sacred Maiesties royall and supreme authoritie in practising of forren and uncouth lawis contrair to the Actis of parliament and secreit counsall maid thairanent And likewayes that thair hes bein great desolatioun in the commoun weill truble dissordour injuries and wrangis amongst the inhabitantis of the land for laik of government administratioun of justice and putting of the samen to dew executioun THAIRFOIR it is statut and ordanit be the saidis shirref deputis with advys and consent of the gentilmen suitteris of court and commounis All with ane advys consent and assent as efter followis.

1. *Anent the putting of the Actis of the kirk to executioune.*—In the first It is statut and ordanit for punishing of sinne and vyce that the actis of the kirk maid and to be maid be the Ministerie and thair sessioun of kirk aganes transgressouris and sinneris be put to dew executioun with all rigour in example of utheris to do the lyk And to this effect that the baillie of ilk parochin and his officar concur and assist thair Ministeris elderis and thair officaris in putting of all such actis and statutes maid or to be maid in thair sessioun of kirk to dew executioun as said is for manteinance of Godis worship keeping of the Sondayis suppressing of all idolatrie speciallie of walkis and pilgramages and all vtheris vyces and punishing of persones refractarie and dissobedient to thair discipline under the pain of depriuation and payment of fourtie punds to be employed *ad pios usus.*

2. *Anent the obedience to his Majestie and lawis and provision for Armour.*—Item It is statut and ordanit that all manner of persones of quhatsumever rank qualitie and degrie sall honor thair dreid Souerane the Kingis Majestie and submit thame selfis with all reverence to his authoritie in obeying his lawis disclameing and renunceing all forren lawis actis statutis and constitutiounis quhatsumever observit heirtofoir under the panis conteinit in the actis of parliament and most honorabill privie counsall maid thairanent And that all men according to thair rank and degrie provyd thameselfis of sufficient armour according to thair estait and be in redines to serve his Majestie and deputtis present or that salbe for the tyme for suppressing and withstanding the incursiounes of pirrotis and utheris tumultuous persones as they wilbe ansuerable upon thair hiest perrell.

3. *Anent the cairfull directing of the Corse.*—Item it is statut and ordanit to the effect foirsaid that ilk hous and familie sall carefullie and diligentlie direct the corse according to the order and custome to his nixt nichtbour

with ane sufficient bearer for admonishing the people ather to convein to kirk to preaching and prayeris or for his Majesties service and sick uther necessar causis as salbe thocht expedient be the Minister shirreffis and justiciaris or thair baillies and sall not stay nor lay doun the samen bot direct it with all diligence upon the recept thairoff under the pain of sax pundis money *toties quoties*.

4. *Anent the marking of Pundleris and Bismeris.*—Item it is statute and ordainit that all pundleris and bismeris be markit with his Maiesties mark betwix and the day of nixtocum under the pain of ten punds for the first fault and doubling of the said pain sa oft as they sall happin to transgres thairefter and that by and attour the act of parliament maid thairanent and paines conteinit thairintill and punishment to be inflictit upon the contraveineris thairof conforme thairto.

5. *Anent the weicht of Caschies.*—Item it is statut and ordainit that na caschies be hevier than ane half setting weicht conforme to the old statutes maid thairanent under the pain of ffourtie shillingis for the first fault and doubling thairof for the second fault and confiscatioun of the victuall conteinit thairintill for the thrid fault And that by and attour the punishment of thair persones at the will of the Judge.

6. *Anent guid Nichtbourhead.*—Item it is statute and ordanit that guid nichtbourhead be keipit amangst nichtbouris in ilk parochin in all tyme cumming in bigging of thair dykis geirlie and putting of thair swyne to the hill befoir the fyftein day of Apryle keiping and hirding of thair sheip befoir the said day and keiping of thair horsis nolt and vther bestiall befoir the first day of May under the pain of fourtie shillingis monie to be payit to the Shirreff or his deputtis And incais of contraveining and breking heirof so that nichtbouris be dampnyfied and hurt be utheris in not tymous dyking and hirding as is abonewretin In that

cais the contraveineris to pay to the partie interest and skaithit as followis To wit befoir Lambes sall pay for ilk sheip tua shillingis for ilk swyne ten shillingis for ilk horse meir and nolt four shillingis *toties quoties* and efter Lambes sall pay the double of ilk pain *toties quoties* as they or ony of them salhappin to be fundin within dykis and laufullie tryit be the baillie of the parochin to have bein in thair nichtbouris skaith the dykis alwayes being maid lawfull and sufficient Lykas immediatlie efter the tryell of the said baillie it sall be lesum to him to poynd and uplift the saids pains and that by and attour the comprysing of the skaith and payment of the samen conforme to the daylie practique observit in sick caisis.

7. *Anent commoune Grinds and Cloising thairof.*—Item it is statute and ordanit that all grinds and yettis on all wayes salbe cloiset be all passingeris that enteris thairby in sik soirt as they opin the saids grinds and yettis they salbe haldin incontinentlie to cloise the samen agane vnder the pain of fourtie shillingis *toties quoties* And no commoune grindis nor yettis to be stopped nor cloisit vp that hes bein of auld and yit necessar and neidfull to be under the pain of ten pundis.

8. *Anent fieing of uther menis Servandis.*—Item it is statute and ordanit that it sall not be lesum to ony persone or persones to fie hyir nor conduce ane other manis servand except that they be dischargit be thair Maister or that they dischairge thair masteris lauchfullie fourtie dayis befoir ane laufull terme And that nayther gentilmen boundmen nor na uther resave ony sik persones nor give thame hospitalitie nor interteneing nor yit set to thame housis nor resave suppoirt nor supplie ony vagaboundis idle men or vnlaufull weemen vnder the pain of ten punds *toties quoties.*

9. *Anent rancelling for Thift.*—Item it is statute and ordanit for eschew-

ing and tryell of thift in tyme cumming that it salbe lesum to the pairtie interest with the baillie or officiar of thair parochin or tua or thrie honest men to be chosin be him to rancell search and seik all housis and suspectit places within the samen And if neid be incais of suspicioun to pas to the nixt parochin beyond the samen And to this effect ordanes the baillie of ilk parochin or officiar to concur with the pairtie interest in maner foirsaid for apprehending thairof as they will eschew to be reputt and haldin as partakeris of the said eryme.

10. *Anent the Ryderis of uther mens horssis and cutting of the taillis thairof.*—Item it is statute and ordanit that quhatsumevir persone salbe apprehendit or tryit to have riddin ane uther manis hors without licence of the awner inwith the parochin quhair the awner of the hors duellis sall pay to the shirreff or his deput the sowme of sax punds and to the pairtie interest the sowme of uther sex pundis And if he be fund outwith the parochin quhair the awner duellis sall pay the double of the said pain And forder according to the distance from the parochin out of the quhilk the said hors salbe takin sall triple quadruple and augment the said pain effeirand to the seuerall parochines quairthrow they sall happin to ryd the said hors Lykwayis it sall not be lesum to ony person to cut or steall ane uther manis horstaill vnder the pain of ten punds And if the rydaris stellaris and cuttaris foirsaid sall haue na moyen to satisfie the said penalties proportiounallie as is abonewrittin they to be punishit in thair persone effeirand to the deid and offence at the discretioun of the Judge.

11. *Anent buying and selling with uther menis Servandis.*—Item it is statutit and ordanit that na man seduce by bargane nor sell with ane uther manis servand by the knawledge of his master as they will eshew to be punishit as resetteris of thift And it beand tryit the geir to be restorit to the richt awner but repayment of the pryce thairof or thingis resaueit for the samen.

12. *Anent slaying and selling of Flesche.*—Item it is statuit and ordanit that na fleshers nor utheris buyeris and slayeris of flesh sall sell to na inhabitant within the toun nor outwith the samen the said fleshis untill the tyme they cum to the baillie of the quarter and shew him the beist the mark and the manis name fra quham they coft the samen quha salbe haldin to give up the buyaris name in wreit together with the beast and mark thairof and fra quhom and at what tyme the samen wes coft as the slayeris and selleris of the said bestiall will eshew to be reput haldin and punishit as steilleris thairof.

13. *Anent sluggish and idle persones quha under cullar of merchandice committis thift.*—Item fforsameikle as thair is many inconstant sluggish and idle persones quha leaveing service gives themselffis to traffik and play the merchand and attends the repairing of shipps and straingeris to reidis and usuall places and resoirtis and gois on shipbuird under cloud of nicht or priuatlie vnder cullour of buying and selling of merchandice or guids under the pretext quhairof they pyk and steallis baith fra the cuntrey people to sell to thame and fra thame to sell to the cuntrey people For remeid quhairof it is statuit and ordanit that na sik persone nor persones sall hant traffique or repair on shipbuird of ony strainger or dogger for buying or selling of merchandice or guids under whatsumeuer cullor or pretext bot sik as salbe allowit and approvin of the baillie of the parochin quhairin they duell And for quhom the said baillie or ane or tua speciall honest men of the parochin salbe ansuerable under the pain of fourtie shillingis and warding of thair persones for the first fault and doubling of the said pain for the second fault And sa furth tripling and quadrupling the said pain and punishment sa oft as they sall happin to cum in the contrair heirof.

14. *Anent the resoirt of Beggaris and Forreneris to Zetland &c.*—Item fforsameikle as it is hevilie compleinit by the inhabitantis of Zetland of

the great resoirt and repair pairtlie of sturdie beggeris and pairtlie of puir vagabounds from Orkney Caithnes and uther forren places quha sorns beggis and overlayis the cuntrey begging pyking steilling and oppressing the inhabitantis thairof Thairfoir it is statute and ordanit that na master of ship bark boatt nor crear transport ony sik persones nor na utheris quha under cullor and pretext to pley the merchand intends to resoirt to the said cuntre to buy the commodities thairof in prejudice of the payment of his Majesties rentis but ane sufficient testimoniall or warrand of the Shirreff or his deputtis grantit and haid to that effect vnder the pain of tuentie pundis money.

15. *Anent the disponing of the commodities of the Cuntrey.*—Item fforsameikle as his Majesties Chalmerlanes ar meikle interest and prejudgit yeirlie be the tennentis takismen and utheris addebtit in the yeirlie payment of the fruittis rentis and dewties dew to be payit be thame be selling of thair bestiall butter vlie and victuall befoir the saids chalmerlanes be satisfeit and payit Thairfoir it is statute and ordanit that na sik persone nor persones sall sell annalie dispone nor put away [any bestiall butter or vlie before S^t^ Androis day] yeirlie nor ony victuall beir malt or meall quhill the feast of Lambes yeirlie that his Maiesties rentis be satisfyit and payit vnder the pain of xl lib and that by and attour the deirest prices and hiest fier that can be exactit of thame be law (except the toun of Kirkwall) or that ane licence be grantit vpon ressonabill cause.

16. *Anent the resoirt of uncouth Beggaris.*—Item fforsameikle as thair is great repair of puir straingeris idle and vagabound persones that overlayis the cuntrey quha hes not bein borne nor brocht vp within the cuntrey contrair to the tenor of the lovable lawis maid thairanent Thairfoir it is statute and ordanit that na man suppoirt supplie nor interteine the saids persones nor grant hospitalitie vnto thame vnder the pain of

fourtie shillingis And siclyk that na man transpoirt nor bring in the cuntrey ony sik persones in tyme cumming under the lyk pain of fourtie shillingis And that conforme to the saids actis the saids persones and euerie ane of thame may repair to thair awin cuntrey and parochines And that euerie parochin interteine supplie and sustein thair awin puir according to the will and meaning thairof in all poyntis And incais ony sik persone salbe fund in going heirefter outwith thair saidis parochines that it salbe lesum to the finder and apprehender to present thame to the baillie of the parochin to be punishit as idle vagabounds in the joggis or stokis And gif the baillie sall absent himself or refuse to caus punish thame conforme to the premisis or to present him to the Shirreff or his deputtis present or that sall happin to be for the tyme he salbe haldin to pay to the Shirreff or his deputtis the soum of tuentie pundis.

17. *Anent the conceilling of sinne.*—Item it is statute and ordanit that na persone or persones of na rank qualitie nor degrie sall hyd nor conceill ony kynd of thift sorcerie nor witchcraft bluid wrang injurie roberie nor oppressioun wraik or wraith bot sall impairt shaw and delait the samen to thair baillies or to the shirreff deput as they will eshew to be haldin and reput as pertaikeris thairof and punishit thairfoir conforme to the lawis and practique of this realme.

18. *Anent the putting of the foirsaids actis to executioun.*—And finallie it is statute and ordaneit be the said shirreff deputtis that the baillie of ilk parochin sall mak publicatioun heirof at thair paroch kirk quhairby nane pretend ignorance of the premisis And that they sall put the saids actis and euerie ane of thame to dew executioun in the haill articles and clausis thairof for manteinance of Goddis worship the reverend obedience of his Majesties most royall and supreime authoritie and lawis and for the peace and guid of the inhabitantis of the land And incais it salhappin the saids baillies or ony of thame to be tryit or found to have oppressit

or wrangit ony persone or persones within thair baillierie be exacting of unlawfull service or be taking of buddes or brybes for perverting of justice or in ony soirt in oppressing the puir or doing of ony uther deid of the lyk nature and qualitie contrair to equitie and resoun In that cais they salbe haldin to repair the wrangis at the sicht of the Shirref deput and salbe estemit to be unworthie to beir office or credit in tyme cuming and that by and attour the dew punishment to be inflictit to thame according to the demerit of the fault.

Curia Justiciariæ Vicecomitatus de Orknay tenta apud Kirkwall in nova domo prope Palatium de Yeardis ibidem per honorabilem virum Henricum Stewart de Carlougie Justiciarium ac Vicecomitem deputatum dicti Vicecomitatus die duodecimo Martii 1616.

Curia tenta et legitime affirmata.

Elspeth Reoch tried for Witchcraft.—The quhilk day anent the dittay criminall gevin in and persewit at the instance of Robert Coltart procurator fiscal of the said sheriffdom Aganes Elspeth Reoch dochter to umquhill Donald Reoch sumtyme pyper to the Earle of Cathnes ffor certane poyntis of dittay of witchcraft underwritten That is to say In the first for airt part using committing and practising of the abominable and divilesch cryme of witchcraft in giveing ear and credite to the Illusiounes of the Devell Quharby scho fenyeit hirselff dumb And illudit and deceaveit his Majesteis subjectis in maner underwritten viz In the first for that sho confest that quhen shoe wes ane young las of tuelf yeiris of age or therby and haid wandereit out of Cathnes quher sho wes borne to Lochquhaber ye cam to Allane M^{c}Keldowies wyfe

quha wes your ant And haveing remaneit with her be the space of aucht weekes quho duelt with hir husband in a Loch That she upon ane day being out of the loch in the contrey and returning and being at the Loch syd awaiting quhen the boit sould fetch hir in That thair cam tua men to her ane cled in blak and the uther with ane grein tartane plaid about him And that the man with the plaid said to her she wes ane prettie And he wald lerne her to ken and sie ony thing she wald desyre The uther man said she wald nocht keep counsell and foirbaid him He ansuerit he wald warrand hir And she being desyrous to knaw said how could she ken that And he said Tak ane eg and rost it And tak the sweit of it thre Sondayis And with onwashin handis wash her eyes quhairby she sould sie and knaw ony thing she desyrit And to persuade hir he directit her to ane aunttis hous of hir awin quha wes ane widow that haid ane oy that wes with chyld to ane uther wyffis husband onknawen to ony And quhen she cam she sould luik in hir face and tell hir she is with bairne to ane uther wyfes husband And sa within a short space therefter going to hir Aunttis hous how sone she saw the young woman she said she wes with bairne as the man had said to hir And shoe denying said to hir she wald repent it within a short space Thairefter the young woman considering that she knew hir estait desyrit sum cure at hir that she micht part with bairne Quha ansuerit she could give her nane Bot remembering that she wes cum in to Allane McKeldowies hous that day that the tua men came to hir That he haveing speirit at her quhat men thois wer that wer with hir at the Loch syd And quhat they haid said to her And she denying he foirbaid you to fear For they wer freindis of his quha wald do hir no hurt And that he knew quhat they said to hir So she remembring that Allane had skill she said to the young woman that he wald help hir Quherupoun she and she gaid together to the Loch And spak with him quha refusit to give hir ony thing to slay the bairne And thairefter within tua yeir she bure her first bairne quhilk wes gottin be ane James

Mitchaell at the kirk of Murthlie upoun Spey within Balveny And being delyverit in hir sisteris hous the blak man cam to her that first came to hir at Lochquhaber And callit him selff ane farie man quha wes sumtyme her kinsman callit Johne Stewart quha wes slane be M^{c}Ky at the doun going of the soone And therfor nather deid nor leiving bot wald ever go betuix the heaven and the earth quha delt with yow tua nychtis and wald never let her sleip persuading hir to let him ly with hir wald give yow a guidly fe And to be dum for haveing teacheit hir to sie and ken ony thing she desyrit He said that gif she spak gentlemen wald trouble hir and gar hir give reassounes for hir doings Quhairupoun she mycht be challengeit and hurt And upoun the thrid nycht that he com to hir she being asleip and laid his hand upoun hir breist and walknit her And thairefter semeit to ly with her And upoun the morrow she haid na power of hir toung nor could nocht speik quhairthrow hir brother dang hir with ane branks quhill she bled becaus she wald nocht speik and pat ane bow string about hir head to gar her speik And thairefter tuik her three severall tymes Sondayis to the kirk and prayit for hir Fra the quhilk tyme she still continewit dumb going about and deceaveing the people Synding telling and foir shawing thame quhat they had done and quhat they sould do And that be the secund sicht grantit to hir in maner foirsaid She saw Robert Stewart sone naturall to umquhill Patrik sumtyme earl of Orkney with Patrik Traill to quhom she was with bairne and certane utheris with towis about thair craigis in Edmond Callendaris hous at ther efternoones drink befoir the Earl of Caithnes cuming to the cuntrey And that be plucking of the herb callit Merefow quhilk causis the nose bleid He haid taucht hir to tell quhatsoever sould be speirit at hir Be sitting on hir rycht knie and pulling and pilling it betuix hir mid finger and thumb And saying of *In nomine patris filii et spiritus sancti* be vertue quherof sche haweit ane bairne to Magnus Sinclair in Sorne at the desyre of his wyf At quhilk tyme on yule day she confest the devell

quhilk she callis the farie man lay with hir At quhilk tyme he bade hir leave Orkney and go home to her awin contrey becaus this countrey wes Priestgone quhilk he exponit that ther wes our mony Ministeris in it And gif she taryit she wald be hurt And forder for airt part useing hanting and conversing with the Devell at diverse and sindrie tymes and at severall partis &c &c as at mair lenth is contenit in the saidis dittayis The said procuratour fiscall being personally present and the said defendar being lykwayis personalie present quha enterit on pannall haveing no lawfull caus quhy she sould nocht pas to the knawledge of ane assyse Quhairupoun the procuratour fiscall desyring the dittay is to be put to the knawledge of ane assyse and the pannall to be accusit therupoun Efter accusatioun the said Elspeth confest the haill poyntis of dittay abonewrittin And therfor the Judge remittit the dittayis to the knawledge of ane assyse quham he ordanit to be callit.

Nomina Assisæ.

Mr Robert Henderson of Holland
Mitchaell Balfour of Garth
James Hendersone
Thomas Knychtsone
David Moncreiff merchand
Patrik Vans merchand
Magnus Craigie merchand
John Sinclair merchand
Jerome Chalmeris skiper
William Carmichaell merchand
William Bannatyne of Gairsay
Robert Sinclair merchand
Mitchaell Chalmeris merchand
Dauid Ker Kirknes cordiner
James Deldall merchand
Patrik Cromertie meriner

Quhilk persones of assyse being receaveit admittit and sworne but lawfull objectioun of the pannall and removeit out of Judgement nominat

and ellectit William Bannatyne of Gairsay chancellar And efter dew deliberatioun haid anent the dittayis produceit and haill poyntis therof And reentering on judgement agane the haill assyse be the mouth of the said chancellar fyllit the said Elspeth of the haill poyntis of dittay abonespecifeit And remittit sentence to the Judge and dome to the Dempster Quhilk deliberatioun the Judge than present acceptit And decernit and ordanit the said Elspeth Reoch to be tane be the lockmane to the place of executioun betuix and thrie efter none and to be wirryet at ane staik quhill she be deid And therefter to be burnt in assis Quhilk the Dempster gave for dome.

. . . . . .

Apud castrum de Scallaway bankis Penultimo Julij 1616.

Act anent the tyme of the Heid Court.—The quhilk day The said Shiref deput with consent of the haill gentlemen sutteris of Court comountie and bailyeis Ordaines the heid court to be and begin In all tyme cuming vpoun the last Tysday of July.

Ultimo Julij 1616.

Act anent payment of the Wedmell.—The quhilk day It is statut and ordanit that the wedmell sal be payit yeirlie In tyme cuming The first day of July.

Anent slaying of the Earne.—Item It is statut and Ordanit with consent foirsaid that quhatsumeuer persone or persones sal happin to slay ane Earne and delyuer the samen to the bailzie of the parochin within the quhilk sho sal be slaine The said Bailzie sall caus the persones

Indwelleris within the scattell quharin she beis slaine To give the slayer therof ane sheip or pryce therof.

Apud Burrostow in Wallis 27 Junij 1617.

Act anent wyld horsis.—The quhilk day It is statute and ordanit be the said sherif deput with consent of the haill comounes convenit at the said court that ther sal be na wyld horsis keipit conforme to ane act maid of befoir and that na man sall put thair horsis without dykis uncloggit In tyme cuming fra the last day of Maij to the tyme the cornes be put in the yeard under the paine of xl s *toties quoties* as thay sal be apprehendit or takin in the contrar.

Act anent poundit guidis.—Item it is statut and Ordanit that na man refuis to louse thair guidis being poyndit and lawfullie adverteised therof within sex houris therefter thaj be aduerteised And the skaith being comprysit That thay give satisfactioun And that thay suffer nocht thair guidis being adverteised as said is to stand xxiiij houris therefter under paine of v li *toties quoties* And if it sal happin the saidis guidis poyndit to befall ony skayth the poynder therof to incur na danger therby.

Act contra takeris away of poundit guidis.—Item it is statut and ordanit that na man sall tak away thair guidis furth of ony manes pound the samen being lawfullie poundit privatlie or publictlie be nycht or day without leive of the pounder therof under the paine of x li.

Apud Scalloway bankis penultimo Julij 1617.

Act anent Drunkards.—The quhilk day It is statut and ordanit be the said sherefdeput with consent of the haill gentlemen sutteris of court

and comones convenit for the tyme That quhatsumever persone or persones beis fund drunk outwith his ludgeing In tyme of lawting sall pay the soume of vj ℔ money *toties quoties* as they sal happin to be fund so to be imployit *ad pios usus* conforme to ane act maid of befoir Quhairupoun the procurator fiscall askis actis.

Act anent the Wedmell.—The quhilk day the said sherefdeput Ratifies with consent foirsaid the act maid of befoir in the month of August 1616 yeiris anent the payment of the wedmell yeirlie the first day of July under the paine of xij ℔ money for ilk pack therof.

Anent chapmen and pedderis.—The quhilk day forsamekle as ther is diuers and sindrie persones strangeris quha oppressis his Majesties leigis behaveing thame selues as chapmen and pedderis accompanied with thrie or four at thair backis with swordis and wappounes invasive boasting and minaceing the people and compelling thame to serve thame our ferries and exacting hospitalitie of thame per force Thairfoir it is statut and ordanit In all tyme cuming that no sik persones travell throuchout the countrey nor na part therof unto the tyme thay come to the sherefdeput for the tyme and find cautioun of thair guid behaviour towardis the leiges under the paine of xl ℔ And that nane of the Inhabitantis of the said contrey ressaue ony sick persones in thair houssis nor give thame hospitalitie nor seruice for money nor uther wayis without the shereffis testificat under the paine of x ℔.

Anent poundit guidis.—Item that na man refuis to lous thair guidis being lawfullie poundet and lawfullie aduerteised thairof within sex houris efter the said aduerteisment Bot that thay aggrie and gif satisfactioun to the partie and receave thair guidis within the said space under the paine of xl ℈ And if ony man sall deny the guidis lawfulie poundit to be thairis And thairefter the contravener be tryit sall pay the soume

of vj li the ane halff to the shereff and the uther to the partie And gif ony persone or persones quhais guidis sal happin to be lawfullie poundit sall brek the said pound and privilie be day or nycht steill the saidis guidis away furth thairof without licence of the pounder In that cais the breker sall pay the soume of x li the ane halff to the partie and the uther to the Judge And that by and attour the sattisfactioun of the skayth done be the guidis the samen being appryseit Quharupoun the Procurator fiscall askit actis of court.

In castro de Scalloway bankis 26 *Julij* 1620.

Ratification of the actis anent the Earne &c.—The quhilk day the said sherefdeput with consent of the haill gentlemen and sutteris of court Rattiffies the actis maid anent the ernes corbies quhittrettis and crawis and ordanes the same to stand for this yeir nixt.

Apud Kirkwall Vigesimo quarto Januarij 1623.

Act anent the Pennylandis.—The quhilk day the Shiref gentilmen and bailleis of the earldome being present for the tyme efter ane exact enumeratioun of the pennylandis within the said earldome of Orknay and collectioun of fyve schillingis for ilk penny land of the sam Fand that the fyve schillingis upliftit wald not amount the soume dew to be payit to his Majestie conforme to the actis of Parliament And thairfore all in ane voce consentit and aggreit that sex schillingis sould be upliftit of ilk penny land for this mertimes terme last bypast for supplie and satisfactioun of the first and secund termes payment And be Inbroght and deliverit to Walter Ritchie quhill the nixt terme That ane mair strict stent be maid.

Apud Kirkwall Decimo Junii 1623.

Act anent Forstalling and Regrating.—The quhilk day the said Shireff deputtis with consent of the Provest and bailleis of this Burgh haweing consideratioun of the great povertie and necessitie of the pure anes the skairstie and want of viveris for thair intertenement And for the great abuse of foirstalling and regrating of fisches Hes statut and ordanit That no Inhabitant to brugh or land sall repair to Deirnes S^{t} Androis parochine of Holme or Paplay for buying of fisches for this present yeir under the pane of x ℔ *toties quoties* And that the saidis parochineris of Deirnes and S^{t} Androis that takis slayis and sellis fisches Sall with convenient diligens efter thay cum of the sea repair to the toun with the saidis fisches and sell thame in the mercat under the pane of x ℔ And siclyk nather pack nor peill at home under the pane of x ℔ And that thay sell nane to merchandis bot in the toun under the lyke paine Ilk persone *toties quoties* that sall happin to contravene the premissis or ony poynt abonewrittin.

Curia Capitalis vicecomitatus de Orknay et Zetland tenta apud Kirkwall in Insula vocata lie Walhous In templo Sancti Magni ibidem &c septimo et undecimo diebus mensis Novembris 1623.

Curia tenta et legittime affirmata.

Anent selling of victuall butter bear and meall and heavy Cassies.—The quhilk day the said sheriff principall with advyce and consent of the gentlemen bailyeis of parochines and suitars of court efter long delibera-

tione and good consideratione had be thame for redresse of certane enormiteis and wrongs cruppin in this countrie be iniquitie of tyme to the great prejudice of the samyne and commounweill theroff Ratifeis the generall actis maid of befoir And wills and ordanis the samyne to be putt to dew executione in all tyme comeing And in speciall ratifeis that act maid of before that nae man sall sell butter oill nor marts befoir S^{t} Androis day nor bear malt nor meall before Lambes day yeirely except to the towne of Kirkwall under the paines therintill contained Item the act maid anent Cassies that nae Cassies be heavier then half a sett in weight under the paines contained in the actis maid theranent.

Anent the selling of wyne.—Item it is statut and ordanit be the Shereff with advyce and consent forsaidis that in tyme coming no sort of wyne sall be sold of ane greater pryce nor they sell the samyn in the brugh of Edinburgh under the pane of xl lib *toties quoties.*

Anent selling of Ale.—Item it is statut and ordanit with advyce and consent forsaid that nae ale be sold to ane higher pryce then vj d the pynt of xl s malt vij d the pynt of iij lib malt and 10 d the pynt of iiij lib malt xii d the pynt of v lib malt xiiij d the pynt of vj lib malt and sua furth accordinglie under the paine of xl s *toties quoties.*

Anent hunting in uther mens lynkis and holms.—Item Forsamekle as ther is ane gret abuse in hunting shooting and delving in uther mens lynks and holmis contraire to the acts of Parliament and divers loveable lawis maid of before Therfor it is statut and ordanit be the said shereff with advyce and consent forsaid that nae man hunt with doggis nor nettis nor shutt in uther mens links nor holmes in tyme coming under the paine of xl lib nor delve in the saids links nor holmis nor repair to the saids holmis without leave of the owner under the paine of xl s *toties quoties.*

Anent the selling of fisches.—Item it is statut and ordanit be the said shereff with advyce and consent forsaid That nae man sall sell fishes to strangers or pakers or peillers of fisches within this countrie or outwith the samen to be sold againe fra the first of Februar to the last day of May yearlie under the paine of x ℔ib and frae that furth that they preferre ther nighbouris and sell thair saids fishes to the countrie people for that necessitie and Intertainment before strangers give they require the same under the lyk paine.

Anent selling of butter and utheris be way of regratting.—Item it is statut and ordanit be the shereff with advice and consent forsaid for restraining of regrating that nane buy martis fishes oill butter victuall nor noe sort of vivers at the toun reod nor towne head of Kirkwall nor upon the shore theroff nor within the toun to sell again for ther privie gaine unbrought be any man to be sauld within the toun but bring the samen to the mercatt as they will eschew to be challenged as regrators and punissed therfor conforme to the lawis daylie practised and actis of Parliament maid theranent.

Anent the cutting of bent and slos.—Item it is statut and ordanit be the Shereff with advyce and consent forsaid that nae persone nor persones sall cutt bent nor pull slos in tyme cuming before the feist of Lambemes yeirlie under the paine of x ℔ib.

Anent setting of land.—Item it is statut and ordainit be the Shereff with consent and advyce forsaid that nae landed man nor boundman sall sett land frae this tyme to anie persone or persones unles they be able with thair oune goods and gear to labour in the main land and South ylles ane farthing land and in the Northyles ane penny land under the paine of xx ℔ib.

Anent Sheep doggis.—Item it is statut and ordanit that it sall not be leisum to keip sheip doggis but sik persones as are chosen be the bailyies and parishoners whose names ar taken up in ilk parochine already and for the quhilk they salbe holden to answere under the paine of x lib.

Anent the goeing to the hill.—Item it is statut and ordanit that it sall not be leisum to any man at any tyme of day but speciallie efter sunsetting and before sunriseing to goe through his neighbours ologange or comountie with ane sheep dogge except he be accompanyed with tua neighbouris famous witnesses And if he be found contrair to the tennor heirof he sall be holdin to pay for his first fault xj lib and if the secund tyme xij lib and if the thrid tyme or under the cloud of night being ony way suspect he sall be reputt holden and punishit as a common theife.

Anent the rowing of sheip.—Item it is statut and ordanit that it sall not be lesum to noe maner of persone to row sheip unto the tyme they be lawfullie warnit be the baillie to a competent day as they will eschew to be reput and holdin as theiffs and punishit conforme therto.

Ultimo Maij 1625.

Anent the foull horsis in Deirnes.—The quhilk day the said Sheref depute Ratefeit the act maid be the baillie of Deirnes with consent of the parochinaris therof Anent the casting of the foull horsis of Deirnes in the . . . tyme over the craig And ordanit the sam to be put to executioun with this provisioun that It be weill knawin and tryit that the horse is foull.

Act anent the horsis of Deirnes.—Item It is statute and ordanit be the said shiref depute the said day with consent of the suitteris of court

present for the tyme that no man within the said parochin of Deirnes sould sell ony of thair horsis outwith ther parochin to ony uther man for yeir and day to cum under the pane of j^{c} merk In cais ony man will transport thame to the mercat or ony uthir part of the cuntrie unknawin to the byare.

Act anent the Claneane.—Item It is statute and ordanit be the said sherif depute of consent of the gentlemen and sutteris of court present for the tyme In consideratioun of the Clanane quha ar turnit piratis and suspect to cum in this cuntrie to burne slay and spoill the sam And for preventing of thair Invasioun That Ilk baillie within ilk parochine sall convine thair parochineris for thair better Informatioun anent the said Claneane and proclamatioun maid thairanent And sall give ordour for bigging up of all warthis and watching therat baith day and nycht quha salhaue fewall for fyre to warne the cuntrie And that ilk bound within thair severall parochines salbe in reddines convenientlie provydit in armes and sall ryse with thair said baillie for resisting the said Clanean thair complices and confederatis quhen occasioun sall offer under the paine of ten pund And that Ilk baillie appoint ane chaik watche for attending the ordinarie watche quha incais of sleiping or absens sall pay the lyk paine.

Apud Skallowaybankis in castro ibidem
Septimo Novembris 1625.

Act anent the demolishing of the houssis of Lerwick.—The quhilk day S^{r} Johne Buchannane of Scottiscraig knycht justice and shereff principall of Orknay and Zetland being informit of the great abominatioun and wickednes comittit yeirlie be the Hollendaris and cuntrie people godles and prophane persones repairing to thame at the houssis of Lerwick quhilk is a desert place To the venteris of beir thair quha as ap-

peiris voyd of all feir of God and misregarding all ciuell and ecclesiasticall governement in thair drunkenes and utherwayis comittis manifest bludshed In hurting wounding and sumtyme slaying utheris and mony tymes hurting wounding trubling and abusing the cuntrie people And also in committing manifold adultrie and fornicatioun with women venteris of the said beir and utheris women evill Inclyned quha resortis thither under pretext of selling of sokis and utheris necessaris to thame And in the meantyme comittis manifest thift in stealling off purssis from the Hollenderis and sic utheris thingis as thay can lay thair hand on Quhairby enshewis great prophanes and blasphemie of the name of God by leing banning and swearing to cullour thair wickednes and falshead And In consideratioun that the brethren of the presbiterie hes meanit this great abuse prophanatioun and wickednes to him Thairfor the said shereff principall efter gud deliberatioun knawing that the houssis of Lerwick ar the retreat of thais prophane persones and the caus of thais abominable sines and wickednes and that thay ar buldit and haldun for gaine at thais evill Inclynit persones handis with consent of the maist part of the awneris of the said houssis Ordaines the said houssis to be utterlie dimolished and downe cassin to the ground be the haill awneris thairof Att the sight off Laurons Sinclair of Hous baillie at Buray and Gilberwick James Sinclair of Skalloway baillie of Tingwall James Kintore baillie of Quhytnes and Wysdaill and Laurens Gifhart baillie of Brassay betuix and the secund day of Februar nixtocum Ilk awiner under the paine of xx lib And siclyk ratifeis and approwis the generall act maid of befoir be Mr William Levingstoun lait sheref deput of Orknay and Zetland haill gentlemen and sutteris of court present for the tyme of the dait the thrid day of August 1615 yeiris Quhairby It was statute and ordanit that no persone nor persones sould resort to Brassay Sound for furnishing and wenting of beir to the Hollendaris under the paine of xx ℔ *toties quoties* and that the awineris of the houssis sould demolish thame and sould suffer nane to big nor mak residence thair

at ony tyme thairefter under the lyke paine with this speciall additioun that no women of quhatsumeuer rank or qualitie sall repair to the said Sound syd for selling of sockis to the said Hollendaris or bying of necessaris from thame Bot sall caus thair husband thair sones or servandis sell and buy fra thame As thay will eschew to be repute and haldin commoun and prophane adultereris and punischet thairfoir at all rigour.

Apud Kirkwall Decimo tertio Decembris 1625.

Generall Act anent the resisting of the Enimie.—The quhilk day the Bishop Shirreff bailleis and sundrie gentlemen being convenit for setting downe ordour how the enimie salbe resistit incais of ony Invasioun It is concludit and aggreit upoun That all maner of man sall convine with all possible diligence at Kirkwall in thair best array immediatlie efter as thay sall sie the warth of Weitfurdhill in fyre And thairfra to follow directioun to that pairt quhair ony Invasioun salbe And for the better effectuatting thairof It is ordanit that all maner of man that hes boittis sall haue the same in reddines sufficientlie provydit and water tight for transporting of men armes and utheris necessaris And that ilk baillie sall sie the samen done within his awin boundis And that the said bailleis with all diligens sall appoint ane place within ilk ane of thair baillieris quhair the people sall convine that thairfra thay may resort to Kirkwall as said is And that it may be the better persaweit be the haill cuntrie quhen the warth of Weitfurdhill salbe on fyre It is ordanit that ilk baillie within his awin boundis sall appoint ane competent watche to attend thairupoun And immediatlie upoun the sycht of the fyre of Weitfurdhill to put thair warth in fyre that warneing may be gevin to the rest of the cuntrie As also it is concludit that all the bailleis salbe advertised that they inroll all maner of persones quhat wapponis thay haue and be the

advyse of some of the most discreit men of his baillierie mak ane note quhat wapponis euery man is hable to use and carie and quhat he is hable to buy.

Apud Kirkwall Octavo Novembris 1626.

Anent slaying of the earn.—The quhilk day It is statute and ordanit be the said shiref depute with consent of the gentlemen and suitteris of court being present for the tyme That quhatsumever persone or persones sall slay ane earne sall have of the baillie of the parochine quhairin It salhappin him to slay the earne viij đ for everie reik within the parochine Except cottaris that hes no scheip And xx s̄ to Ilk persone for Ilk earnis nest It salhappin thame to herrie And thay sall present thame to the baillie And the baillie salbe haldin to present the head of the said earne at Ilk head court.

Sexto Februarij 1628.

Ratification of the Act anent sheip doggis.—The quhilk day in presence of Mr John Dick and Robert Monteith of Egilshay Shireff deputis of Orknay with consent of the haill gentillmen and suitteris of Court and commonalitie present for the tyme Ratefeis the haill actis maid of befoir be Harie Stewart and Mr William Levingstoune Shereff deputtis for the tyme &c And in speciall that act anent keiping of sheip doggis That no man sould keip sheip doggis except thoise quha wer or sould be nominat be the Shereff or baillies of the severall parochines of the cuntrie With this additioun that no man sall keip running doggis that runnes fra hous to hous or throw the cuntrie slaeing thair nychtbouris sheip under the lyk pain contenit in the said act.

That nane row or tak sheip on Sonday.—Item it is statut and ordanit be the said Shereff deputtis with consent forsaid That no maner of persone sall row or tak sheip on Sonday under quhatsumever cullour under the pain of x li.

Anent transporting of tannit ledder.—Item Forsamekill as it is complenit be the Inhabitantis of the cuntrie That the hydis barkit ledder and talloun ar transportit furth of the cuntrie quhairby thay cannot have shoone to serve thame thair bairnes and servandis necessities nor talloun for geveing thame lycht Thairfoir and after gude and mature deliberatioun It is statut and ordanit be the saidis shereff deputtis with consent forsaid but ony oppositioun in the contrair That no maner of persone in na tyme cuming sall transport ony barkit or tannit ledder or talloun furth of the cuntrie unto the tyme it be offerit to the shoomakeris of the toun or gif within ony parochin to the baillie quherby the cuntrie may be servit under the pane of x li and confiscatioun of the transportit gudis.

Apud Kirkwall Septimo Februarii 1628.

Act anent Commissionaris for Parliament.—The quhilk day In ane head court haldin at Kirkwall and continewit to this day Compeirit Robert Monteith of Egilshay Shiref deput of Orknay and Zetland And conforme to the custome observit within shirefdomes desyrit Commissionaris to be chosin for Parliament and Conventiouns for that yeir The haill gentilmen and suitteris of court for the maist part being personalie present Efter gud advyse and mature deliberatioun had be thame theranent Declairit that they wer not sick persones as sould compeir in Parliament or Conventioun Seing thair was nather barroun nor burges within the said sherefdome nor men of that qualitie to chuse or mak choise of for comperance in Parliament or Conventioun And that in

respect of thair estait and Inhabilitie being bot meane gentilmen and fermoraris Quhairupoun the said Robert Monteith of Egilschay askit actis of court and Instrumentis.

Anent Pundlaris and Bissmers.—The quhilk day the said Shereff deputis with consent forsaid Ratefeis the act maid of befoir That all pundleris and Bissmers salbe markit with the mark callit the Kingis mark under the panis contenit therintill With this additioun That everie pundlar salbe justit and maid equall with the Kingis pundlar And that nane have Bissmers nor pundlaris of greater weight under the paine of xl ti nor have tua stanis to ane pundlar under the lyke paine.

Apud Skallowaybankis 3 Septembris 1628.

Act anent the Ministrie of the directing of thair sentences to the Bailleis.—The quhilk day The said sheref deput with consent of the Ministrie gentilmen and sutteris of court Ratefeis the act maid the thrid day of August 1617 yeiris with this aditioun that the Ministrie direct thair sentences to the bailleis Quha sall caus the samen be put to executioun under the paine of deprivatioun And In cais of refusall the kirk officer be thair directioun to put the samen to executioun.

Act anent Justing of bismeris and utheris missouris.—The quhilk day Ratefeis the act of the dait forsaid anent Bissmeris and fals weghtis with this aditioun That William Dempster sall just the bissmeris at the baillie of the parochines sight and seall the samen ffor the quhilk the auner salbe haldin to give him the soume of tua schillingis And ane being set the baillies to tak ordour with the Justing of thame yeirlie And that the saidis baillies tak ordour yeirlie within thair seuerall parochines

with stowpis canes and utheris missouris under the paines contenit in the actis of Parliament.

Act anent corbies and earnis.—Ratefeis the act maid anent Corbeis and Earns for the space of thrie yeiris.

Act anent rowing of sheip on Sonday.—Item It is statut That nane tak . . . . . nor row sheip on Sonday under the pane of x li.

Act anent going to uther menis holmes.—Ratefeis the act maid anent going to uther mens holmes with this aditioun That the ane halff of the penaltie salbe to the delaitter and auner And the uther halff to the Shereff The said Shereff alwayes haueing the modificatioun in his will.

Act anent ryding of marchis.—It is statut That the baillie of Ilk parochin accompaniet with twelff of the honestist of the parochin sall ryd the merchis of the parochin yeirlie betuix the ffirst of October and last of Aprill And if ony wrong salbe fund that the samen salbe debeatted at the heid court quhairby ordour may be takin as effeiris under the paine of deprivatioun.

Act anent ryding and cutting of uther mens horsis taillis.—Ratefeis the act maid anent ryding of uther mens horssis and cutting of thair taillis with this aditioun That baith the ryder and cutter of the taill salbe punished as Theiffis.

Apud Kirkwall Vigesimo primo Januarij 1629.

Act anent the Incressing of Thift and Wobsteris.—The quhilk day Forsamekill as the cryme of thift daylie Incressis and hardlie can be

tryit and speciallie on the particularis following viz In the first In rowing and pulling of utheris mens sheip and stealling of ther woll Thairfoir It is statut and ordanit be the said shireff deput with consent of the haill gentilmen and suitteris of court present for the tyme that all Wobsteris both in toun and land sall twyse in the yeir To wit the first lawfull day of November and the first lawfull day of May yeirlie giff up Inventer upoun ther greit aith and conscience of all wobbis gevin in to thame and woven be thame be ony persone or persones be quhome it is gevin in And of the lenth and breid therof To the baillie of the quarter within the towne and to the baillie of the parochin outwith the toun under the paine of v ℔ *toties quoties* That Inventar being gevin up The saidis bailleis at the first court therefter may acquaint thair parrochineris therwith And giff ony suspicioun or just caus of challenge be fund in ony persone In that cace that thay may be delaittit to the Sheref that ordour may be takin theranent as accordis of the law.

Act anent Smythis.—It is statut and ordanit be the said Shiref deput with consent forsaid That no smyth nather within the toun nor parochines sall buy ony maid wark sick as kees pleuch irones Tuskardis spaidis nor uther maid wark nor ony thing that hes bene maid work unles the seller find burch for the samen quhilk they salbe haldin to geve up in Inventar the first laufull day of November and the first laufull day of Maij yeirlie to the baillie of the quarter within the toun and to the baillie of ilk parochin within ther seuerall ylis and parochines under the pane of x ℔ *toties quoties* That Inventar being gevin up be thame upon ther greit aith and conscience to the saidis bailleis at the first court thairefter may acquaint ther parochiners therwith And if ony suspicioun or just caus of challenge be fund in ony persone In that cace that they may be delaittit to the Sheref that ordour may be taken theranent as accords of the law.

Vigesimo tertio Januarij 1629.

Act anent electing of Commissioneris.—The quhilk day the gentilmen and suitteris of court efter lang deliberatioun haid be thame conforme to the former act acceptit upoun thame to mak chois of ane Commissioner bot becaus of the intemperancie of the wedder and greit haiszard to trawell be sea quhairthrow ane great number of the gentilmen wer absent Desyrit that the electioun mycht continew to the second day of Marche at quhilk tyme they wald convene and warne the absentis to be present for electing of ane Commissioner to pled for exemptioun.

Penultimo Januarij 1629.

Anent Members of Court.—The quhilk day Abrahame Stevensone is electit In procurator fiscall and George Anderson In Dempstar Quha acceptit the office upoun thame and maid faith and Oliver Smyth In Lockman.

Anent the ignorant contempt of Dempsteris.—The quhilk day Becaus of the ignorant contempt of Dempsteris and of ther office Thairfoir It is statut and ordanit that quhatsumever he is that reprovis or reprotches George Andersone now electit In Dempster sall pey the soume of x li *toties quoties.*

Sexto Novembris 1632.

Anent gripping of landis and guidis.—That nane grip his nightbouris landis under the paine of ten pund Item that nane grip his nightbouris

guidis under the paine of vj li by the restitutioun of the guidis and the profeit.

Anent clenissing of houssis.—It is statut and ordanit be Mr Harie Aitken Shereff deput of Orknay with consent of the gentlemen and suittaris of court present for the tyme That no removars from housis sall dimolisch the same in haill or in pairt nor tak tymmer door windois furth thairof althogh biggit be thameselffis under the paine of twentie pundis the ane halff to the Shereff and the uther to the pairtie interest And that by and attour the reedifying of the houssis under the lyk paines.

Anent corne yairds.—Item that all men mak thair corne yaird dykis sufficient And that no corne . . . be maid for cornes aittin within yaird except to nighbouris for unmarkis dwelling in the same toun.

Anent fieing of servands.—Item Ratefies the act maid anent feing of servandis and that nane ressave nor keip ane uther mans servand contenit thairintill under the paines contenit in the said act With this additioun That no man ressave ane servant out of ane uther parochine but ane testimoniall of the Minister or baillie under the lyk paine And incais servandis be fund fugitives fra thair maisteris In that caise the baillie of the parochine quhair out of he is fled sall caus him to be joggit at the kirk door upon Sunday fra aucht houris in the morning quhill twelff houris at noon And incais it sall happin sick vagabondis servandis to fie thameselfis to twa maisteris In that cais the first maister to have the service or to except the fie at his optioun And in cais it sall happin ony servand to fie thameselffis with ane new maister and not to enter to his service In that cais the detener sall pay the fie to thame quha fied him.

Apud Kirkwall undecimo Novembris 1636.

For restraneing of servantis from going out of the cuntrey.—The quhilk day Anent the supplicatioun gevin be Dauid M^c^Clelland Chalmerlane deput of Orknay To the saidis schiref deputis Quheroff the tennour followis Unto your Lordships the Shireffis and gentilmen Suittaris of court present I Dauid M^c^Clellane In name and behalff of the haill bodie of this cuntrey Schewis that thair is ane great abuse thairin be reassoun of a custome too common of servantis leaving the cuntrey and flieing away upoun schippis frequenting the coast Quherby the land is liklie to becum desolat and unmanurit throw want of servantis (sik as ther are presuming upoun thair sea trade as they call it) ar becum so Insolent that unles they haue sik conditiounis as thay require thair is no keiping nor having of thame So that it is not possibill to have the countrie againe labourit as it was of beffoir nor his Majesties dewties satisfied as they aught to doe Unles your Lordshipis and gentilmen present provyde sum tymous remeid thairto Heirfoir I in name forsaid earnestlie beseikis your Lordshipis to tak this in Consideration and to acquent his hienes Counsall thairwith that thay may meane the samyn to his Majestie Quherby this flieing away of servantis may be restrained ffor labouring up of the cuntrey that his Majesties dewties may be the better satisfied in tyme cumming and your Lordshipis ansuer as the said supplicatioun at mair lenth bearis The saidis shiref deputis findis the supplicatioun releiffand and with consent of the gentillmen present Ordaines that warrand sall be direct to the baillie of ilk paroch ffor restraineing of servantis from goeing out of the cuntrey without the testimoniall of the baillie and minister with twa or thrie eldaris under the paine of ten pundis to be poyndit of thair readiest goodis they leife behind thame or utherwayis at thair returne giff they want gudis they to be sent in to the shireff to be punisht in thair bodies And ordaines that ane suppli-

catioun be maid and direct to the Counsall for procureing ane power to restrain the shippis to intak the saidis servantis.

Act anent goeing ashipboard.—The quhilk day The Act anent going aschipboard is ratified with this additioun That be reassoun of the rumour of the plague abroid in uther cuntreyis That no man sall goe aschipboard of quhatsoever schippis frequentis the coast under the pane of cloasing up thair houssis for xx dayis and thairefter of the soume of xx li to be dewlie exacted And ordaines the samen to be published at the paroche kirkis both of the Yles and Mainland &c.

Apud Kirkwall Quarto Novembris 1640.

Act anent Servantis.—The Quhilk Day In presens of Thomas Buchananne and Maister Harie Aitkin Shiref deputis of Orkney haill gentrie and baillies of the severall parochines convenit for the tyme It is statut and ordanit In respect of the multitude of servandis that ar gone of the cuntrey That ilk parochin salbe servit be the servandis that ar within thameselffis ffor the space of ane yeir And that nane leave the parochins quhair thay presentlie dwell till the samen be sufficientlie servit at the sight of the Baillies and elderis thairof And that na servand leive thair parochinis without ane Testimoniall of the said Baillie and elderis under the paine of ten pundis to be peyit alsweill be the servand as resetter Lykas it is ordainit That the said Baillie of ilk parochin with the particular personis efter namit sall tak tryall and cognitioun within thair severall boundis how the Inhabitantis ar provydit of servandis and to tak from those that have mae nor is necessar ather thair sonnes dochteris servandis cottaris Inmen Inwemen or boyis that may be spared untill all be als equallie servit as may be The personis nominat in ilk parochin with thair Baillie ar these viz Harie Spence John Ewinsone and

David Halcro for the parochin of Sanct Olaw Edward Sinclair of Essinquoy James Baillie David Kincaid younger and David Langskaill for S^{t} Androis parochin The said Essinquoy being present Gilbert Irwing and William Paplay for Dearnes Robert Stewart of Brugh John Mowat of Burwik John Grott John Cromartie younger and John Mowat in Marsetter for the yle of Southronaldschay Thomas Sklatter James Corregill and John Tailyeour for Firth William Sklaitter and Gilbert Knarstoun James Loutit James Linklatter Robert Hey and Andro Germestoun for Harray and Stanehous David M^{c}Clellane Chalmerlane Alexander Kircum Alexander Philp John Ingsay in Bea William Johnstoun and Robert Laneskaill for the parochin of Birsay Adam Bellenden younger of Stanehous Patrick Murray Magnus Hourstoun and Edward Sinclair in Vingar for Evie Adam Bewis James Corrigill and Henrie Linklatter for Rendell Gilbert Sinclair James Traill Magnus Craigie James Hamiltoun for Rowsay Patrik Balfour Walter Sinclair John Rendell and Andro Beinstoun for Westray Thomas Traill Magnus and Oliver Hwysone for Papa Westray Edward Stewart of Brugh James and Oliver Cokis Edward Scolay Thomas Henrysone William Burgar James and John Scottis and Jerhome Fothringhame for the yle of Sanday James Maxwell of Mariekirk Malcolme Mowatt Oliver and Malcolme Feais and Oliver Rowsay for Stronsay Patrik Smyth of Braco William Sinclair of Greinwall Magnus Gareoch in Braquoy Bernard Kirkbrek in Kirkbrek and Andro Langskaill in Dewcro for the parochin of Holme Hew Sinclair of Damesay Andro Murray of Butha James Robertsone and Robert Flett for the parochin of Orphair with thair baillie James Mudie of Melsetter James Mowat in Thurso Ronald Bernardsone and Gilbert Chalmer for the yle of Wallis Hew Halcro of that Ilk Edward and Hew Mowattis for the yle of Hoy Jerhome Turlloch of Whome Edward Sinclair of Nes John Beatoun of Clouk and Magnus Broun for the parochin of Stromnes Edward Sinclair of Clumlie Patrik Miller Magnus Irwing Alexander

Linkletter of Linklatter and Hew Hourstoun for the parochin of Sandwik William Irwing of Garstae James Haddell James Irwing and Walter Haddell in Lintoun for the yle of Schapinschae Quhilkis personis with thair severall Baillies ar appoyntit to tak sik course within thair severall boundis for ordaineing fies of servandis according to the qualitie of the persoun that servis and that they exceid not use and wount within thair severall parochines or yles And the refusar of his sone dochter servand woman or man appoyntit to serve ane uther for thair necessitie ar ordanit to pey ten pundis to the shireff and xiij s iiij d ilk night besyd to the partie interest quhill they be servit And ordanis the said Baillie and elderis to right the complaintis of the servantis complaineing for want of peyment within the space of ane yeir The Baillies present have maid faith for doing thair dewtie in the premissis and ar appoyntit to tak the aithis of thair elderis at thair meitingis As also ordaines these to be published at the paroche kirkis.

Act contra Cordinaris.—The quhilk day The saidis shereff deputis being judiciallie convenit with the gentlemen and suitaris of Court present for the tyme And having consideratioun of the exorbitance of the pryce of Cordinaris and the dewlie complaintis and outcryis maid thairanent have for the good and profeit of the Commounwealth Statut and Ordanit That In tyme cuming the saidis Cordinaris sall mak good and sufficient work for twentie penneyis the Insche of dowbill solit shone and for xij d the Insch of sufficient single solit shone And quhair bairnis dowbill solit shone have but ane seame they sall exact no more but xiiij d for the Insch thairof under the paine of xl s to be peyit *toties quoties* to the Shereff be the Contravenar And giff the saidis Cordinaris sall happin to be negligent of thair callingis and becum ydle so oft as they sall be so tryet they sall pey iiij li And for the working of ilk hyd In the awneris hous they ar dischairgit to exact any moir nor xx s with thair Intertainment Lykas all personis ar Inhibit and dischairgit

to sell any ledder out of the Cuntrey under the paine of ten pundis to be peyit *toties quoties* be the seller therof And confiscatioun of the ledder boght be the buyar to the shirreff And this is ordanit to be Intimat at all the paroch kirkis within this shirefdome.

Act contra Ferrieris.—The quhilk day It is statut and ordanit be the saidis shirefdeputis with consent of the gentlemen and suitaris of Court present for the tyme That the fraught ower Pentland ffirth in tyme comeing sall be no moir nor xlviij s In ane greit boit And xxx s In ane small boit ower Wattersound xij d ower Holme sound iiij s ouer Rowsay sound ij s Fra Rowsay to Westray xij s Fra that to Papa ij s Fra Westray to Eday vj s Fra that to Sanday vj s Fra Halknes to Houp iiij s Fra Haloys to Strynie vj s Fra Rothisholme to Schapinscha xiij s iiij d Fra Schapinscha to Work iiij s Fra Kirkwall to Elwik vj s to Gairsay vj s to Rendell vj s to Evie x s to Rowsay xij s to Egilscha xij s to Rapnes xl s to Towquoy in a greit boit l s to Spurnes in Sanday in ane greit boit l s In ane small boit xxxvj s To Stronsay in ane greit boit xl s To Ethay xxiiij s Item fra Scapa to Wallis xxiiij s To S^{t} Margaretshoip xvj s Fra that to Holme viij s Et e contra throw all saidis ferries And the exacter of any mair sall pay the triple worth of the fraught *toties quoties.*

Apud Kirkwall vigesimo sexto Maij 1641.

Act for repairing the Brig of Waith.—The quhilk day It is statut and ordanit that for reparatioun of the brig of Waith the parochines of Stromnes Sandwik Harray Orpher and Stanehous sall be thair haill Inhabitants day about work at the said Brig and the Inhabitantis of Stromnes to enter the aucht day of Junij nixt And the rest of the saidis Inhabitantis of the uther parochines day about thereftir ilk housholder under the paine of ten schillingis And ordaines John Grahame of Breknes

and Edward Sinclair of Nes to attend the work Sandwik to work the nynt day Harray the tent Orpher the elevint and Stanehous the twelff.

Act for repairing the Brig of Scapa.—Lykas It is Statut and Ordanit that the Inhabitantis of the parochin of Sanctolla sall enter to win stanes for bigging a pend to the brig of Scapa upoun the nynt day of Junij nixtocum Ilk hous under the paine of ten Schillingis.

That warthis be furnisit.—It is ordanit that ilk bailyie sall furnis thar warthis with all diligence of all necessaris.

Act for selling of wyne.—It is statute and ordanit That all wynis sall be sauld at the pryces for the quhilkis it is sauld in Edinburgh viz ane merk for French wyne and the sek for twa merkis under the paine of twentie pundis *toties quoties.*

Apud Kirkwall Primo Junii 1642.

Act in favouris of the Procurator Fiscall.—The quhilk day the Sheref deputis ordaines Robert Tulloch Chalmerlane of the lait Bishoprik of Orkney to pay to Abraham Stevinsone Procurator fiscall of the said Sherifdome the dewtie accustumat to be payit for his service in the said office furth of the said Bishoprick quhilk is ane meill of meall yeirlie.

Apud Kirkwall de Yairds die sexto mensis Augusti 1644.

Anent conservatorie of all the preceiding acts.—The quhilk day the said shereff principall remembring that the certaine tyme of the thrie yeirly head courtis not designit be ane act herto for albeit be ordinarie custome yeirly observed and considering the weill of his Majesties vas-

sellis quho are tyed to give suitt and presence at the saids head courtis if the saids meatings be particularlie enacted without alteration or change upon occasione or at pleasure of succeeding of sherreffs Thairfor it is statut and ordainit be the sherreff with consent of gentlmen and utheris of this court that the thrie yeirly head courts sall be constantly upon the thrid Thursday of January the secound Teusday of Junii and the secound Teusday of November And that thair meitings be advertisit in tyme comeing.

Anent the publication of the actis.—Item forsameikle as this present court considering the vertew and power of the generall bygone acts and statuts of this country to be most necessare and able in themselves to remend all discords injuries and wrongs that may arryse within the country and disturb the peaceable government thairoff yett conseaveing that the seldome publicatione of the samyne at heid current and bailye courts in the severall ylles and parochs hath occasioned excuses of pretendit ignorance be the transgressors thairoff and that the neglect and slouth in the executione of the saids Actis may mak them unprofitable to the country as if the samyn had never bein maid Thairfor it is statut and ordainet be the said sherreff with consent of the gentlmen and suittars of court present for the tyme that the wholl saids generall acts sall be publictly read in a solemne way be the sherreff clerk att everie head and current court yearly and imediatly efter the fensing thairoff and that every bailye in his parochine cause quarterly reid the samyne be his clerk imediatly efter the fensing of his bailye court And to this effect its ordainit that heirwith thair be receavit be every bailye ane authentick double of the saids generall actis subscribit be the sherreff clerk and quhilkis are heirby ratifiet in the haill heids articles and clauses of the samyne.

Anent examinatione of Ranselleris.—Item that the severall ransellers in every paroch solemnly sworne upon thair great oath and putting thair

hand to the bible and strictly examined be the sherreff and his deputt in thair current courts nixt and immediatly efter the fensing thairof and of publicatione of the saids actis and at thair declaratione of all thifts bloods ryatts witchcrafts and others transgressors of the saids actis that sall happin to be committit and knawin to thame fra the current courts immediatly preceding.

Anent tryall of Bailyies.—Item that the paroch being convenit in the current court befor the sherreff and his deputs be tryitt and examinet outwith the presence of thar bailye and in presence of thair minister if need bees anent the behaviour and cairage of the bailye in his office and uplifting of his services and day woerks That accordingly his just commendatione in administratione of justice may be knawne without declaratione or calumnie in the contraire or that in caice of malversatione in his place be injustice or of oppressione of the poore be exactione of unlaufull service such order may be taken thairwith according to the tennor of severall of the saids generall actis maid thairanent.

Anent the common gadge of peatts.—Item it is statut and ordanit that all peatts sold or bought within the toune of Kirkwall sall be measured be ane comon gadge of tenn foott allwayes ilk foot containing tuelve inches And this becaus of frequent stryffs and debates that does fall out in the said towne betuixt the buyar and sellars thairoff.

LIST AND CERTIFICATE
OF THE NUMBER OF EXAMINABLE PERSONS
IN ORKNEY AND ZETLAND.

MDCCXLVIII.

LIST of the PARISHES and ISLANDS within the EARLDOM of ORKNEY and LORDSHIP of ZETLAND (excluſive of the BISHOPRICK of ORKNEY) and of the Examinable Perſons in each Pariſh and Iſland, Heads of Familys, Days Services (being three yearly out of each Family due to the Baillies) and their Perquiſits of Wattle and Cuſtall Penny beſides their Emoluments.

ORKNEY.

PAROCHS.	No. of Examinable Perſons.	Heads of Familys.	Days Services.	Value of the Wattle and Custall Penny.			STERLING.		
				£	SH.	D.	£	SH.	D.
Birſay and Harray	1600	400	1200	10	0	0			
Firth and Stennes	750	187	561	4	13	6			
Evie and Randall	1200	300	900	7	10	0			
Saint Olla	400	100	300	2	10	0			
S^t Andrews and Deerneſs . .	1200	300	900	7	10	0			
South Ronaldſhay	1300	325	975	8	2	6			
Stronſay and Eday	1000	250	750	6	5	0			
Sanday . .	1300	325	975	8	2	6			
Weſtray and Papa Weſtray . .	1200	300	900	7	10	0			
Rouſay and Egilſhay	700	175	525	4	7	6			
	10650	2662	7986	66	11	0			
7986 Days Services converted at a half a Merk Scots each is							221	16	8
Perquiſits of Wattle beſides Emoluments of Court							66	11	0

ZETLAND.

PAROCHS.	No. of Examinable Persons,	Heads of Familys.	Days Services.	Value of the Wattle and Custall Penny. £	SH.	D.	STERLING. £	SH.	D.
Dunroffnefs Sandwick and Coningfburgh	1600	400	1200	10	0	0			
Lerwick and Gulberwick	1300	325	975	0	2	6			
Nefting Luna Sting Whalfay and Skerries	700	175	525	4	7	6			
Fettlar	500	125	375	3	2	6			
Unft	600	150	450	3	15	0			
Yell	800	200	600	10	0	0			
North Mavin	600	150	450	3	15	0			
Delting	600	150	450	3	15	0			
Aithfting and Sandfting	700	175	525	4	7	6			
Whiteneſs and Wifdal	500	125	375	3	2	6			
Tingwall	600	150	450	3	15	0			
Bressay and Burray	600	150	450	3	15	0			
	9100	2275	6825	61	17	6			
Services converted as above							189	11	8
Cuſtall Penny							61	17	6
							£589	16	10

We Mr Hugh Mowat Miniſter of the Goſpel in Evie and Randal Mr John Yule Miniſter of Kirkwall and S^{t} Olla and Mr Mathew Cleghorn Miniſter of Rouſay and Eagleſay Do hereby Declare that we believe the computation within mentioned of Ten thouſand ſix hundred and fifty examinable perſons for the different pariſhes and Iſlands within the Earldom of Orkney to be reallie below than above the real number which is particularly the caſe as to the pariſhes whereof we are reſpectively Miniſters Subſcribed at Kirkwall the twenty-fifth day of February 1748.

Hugh Mouat
Jo. Yule
Ma. Cleghorn

We George Traill of Hobiſter late Chamberlain of the Earldom and Donald Groat of Newhall late Chamberlain of the Biſhoprick of Orkney Do hereby Declare that the within Liſt of examinable perſons in the different pariſhes and Iſlands of the ſaid Earldom amounting to Ten thouſand ſix hundred and fifty is according to the beſt of our belief and knowledge below the real number of examinable perſons within theſe pariſhes and Iſlands And We further declare that it conſiſts with our knowledge that in ſeveral of theſe pariſhes and Iſlands there are certain days ſervices and duties of Wattle &c. payable to the Baillies who commonly exact one Shilling Sterling for the deficiency of one years ſervice in a family And we likewiſe declare that we believe the like ſervices and duties may be due and payable in the other pariſhes and Iſlands wherein we are not ſo particularly acquainted Subſcribed at Kirkwall the twenty-fifth day of February 1748.

Geo. Traill
Do. Groat

JOURNAL
FROM KIRKWALL TO EDINBURGH.

		Miles.
	From Kirkwall to Holm - - -	6
	Over the ferrie of Holmſound horſe boat is 2 ß Ster. -	4
	From Holmſound to Waterſound - -	1
	Over the ferrie of Waterſound horſe boat is 1 ß Ster. -	1
	From Waterſound to Pictland firth - -	7
Sir Ja. Sinclair at Kerse	Over Pictland firth fraught is 4 ſib Scots - -	12
Sir Ja. Dunbar at Acringill	From Pictland firth or Duncanſbay to Wick -	12
Olbister at Claith	To Claith - - - - -	8
	To the Boarg - - - -	10
	To Auſindail - - - -	3
	To Helmſdail - - - -	3
	To Loth - - - - -	4
My Lord Stranaver	To the brig of Brora - - -	5
	To Dinrobin - - - -	3
	To Ferrie unes wher fraught is 2 ß Scots for man and horſe	3
Sir Will. Gordon of Delfollie at Innerbreckie	To Dornoch - - - -	3
	To Ferrie Portincoulter wher fraught is 4 ß Scots for man and horſe - - - -	3
	To Tain - - - -	3
	To ferrie Innerbrekie wher fraught is 4 ß Scots for man and horſe - - - - -	6
Mr Ja. Broady of Whithill	To Roſmarkny - - - -	6
	To ferrie Arderſhire and over fraught is 6 ß Scots -	2

		Miles.
Laird of Broady	To Nairn - - - - - -	6
	To Forres - - - - -	6
	To Elgin - - - - - -	6
Note.—If you go to Cullen you must go by the boat of Boge	To the boat of Boig fraught is 1 s Scots man and horſe	7
	To Milbain - - - - - -	2
	To the milns of Towy - - -	3
	To Divron watter - - - - -	5
	To Whitlums - - - - -	4
	To the kirk of Clett - - - -	3
	To Scots milns - - - -	3
	To the Brigend of Knokendo - - -	4
	To Lemphanan - - - -	3
	To Kinkern of Nile (Kincardine O'Neil) - -	2
	To Die - - - - - -	1
	To Cutifillick - - - -	4
	To Fetterkairn - - - -	10
E. of Panmure	To Brichan - - - - -	7
	To the 8 mile houſe - - -	8
	To Broughtie ferrie - - - -	8
	Over the ferrie fraught is 6 s Scots for man and horſe	2
	To Couper - - - - - -	6
	To Kennua - - - - -	6
	To Kircaldie - - - - -	6
	To Kingorn - - - - -	2
	Over the Watter to Leith fraught is 12 s Scots for man and horſe - - - - -	7
	To Edinburgh - - - - -	1

DOCUMENTS RELATIVE TO THE PRINTERS OF SOME EARLY SCOTTISH NEWSPAPERS, ETC.

MDCLXXXVI—MDCCV.

SCOTTISH PRINTING.

[The following Papers will serve to illustrate the censorship of the Press, at one time established in this country, and the history of some early Newspapers, "Prognostications" or Almanacks, and other minor specimens of Scottish typography, from "*ane wounded heart sacrificed in teare,*" to "*the decencie and ornament of a border of skeletons, mort-heads, and other emblems of mortality.*" They seem to stand in need of no explanation; but it is right to record, that they have been collected, and carefully transcribed for insertion in this place, from the Registers and original Warrants of the Privy Council of Scotland, by the care of a gentleman, to whom the Club has on many other occasions been indebted for ready and valuable assistance, Mr Macdonald, of the General Register House.]

Act in favour of Mr. Robert Blaw for printing a Manual—
4 MAR. 1686.

TO THE RIGHT HONORABLE THE LORDS OF HIS MAJESTIES PRIVY COUNCILL The humble Petition of Mr ROBERT BLAW, Doctor of the Grammar Schooll of Portſburgh,

Sheweth,

That wher the petitioner having compiled from many Authors a little Book intituled *Syntaxis Vernacula, vel Nova*

et facilis methodus Compositionis, which will not only be vſefull towards the erudition of youth, bot alſe for reviveing the memory of the elder in that which they have read on the ſubject, and which is approven by the Maſters of this Univerſity under their hands; And ſince your Lordſips have alwiſe bein in vſe to give encouradgement to ſuch undertakings,

It is therfor humble deſired your Lordſhips wold be pleaſed to grant allowance to the Petitioner or his order, for the ſole printing, reprinting, vending or ſelling of the ſaid Little Manuall for ſuch a ſpace as is ordinar and you ſhall think fitt; And wold diſcharge all other perſones from ſo doeing during that ſpace, under the pain of confiſcation of the ſame to his or their uſe, beſids what other puniſhments your Lordſhips ſhall inflict for contempt in caiſe of contravention.

And your Petitioner ſhall ever pray.

Edinburgh the fourth day of March 1686.

The Lords of his Majeſties Privy Councill haveing heard and conſidered the within writtine petition, Doe hereby grant the deſyre thereof for the ſpace of Nyne yeirs after the date of theſe preſents, and ordaines ane Act to be extended in the petitioner's favors accordingly.

Act prohibiteing the printing or reprinting of any New Books or Pamphletts without License from the Lord High Chancellour. SEPT. 7. 1686.

THE Lords of his Majeſties Privy Councill Doe hereby Prohibite and Diſcharge all perſons whatſomever from granting any licenſe for printing or reprinting any new Books or Pamphletts, untill the ſame be firſt ſeen and peruſed by the Lord High Chancellor, as they will be anſwerable; And Ordaines Intimatione hereof to be made by one of the Macers of Councill to the Printers and Stationers in and about Edinburgh, that they may not pretend ignorance.

PERTH *Cancell.*
I. P. D.

Act in favour of Mr Robert Blaw for printing a Vocabulary. 16 SEPT. 1686.

FORASMUCH as there being ane humble addreſſe made to the Right Honorable the Lords of his Majeſties moſt honorable privy Councell, by Mr Robert Blaw, one of the Doctors of the Grammar School of St Cuthberts, Repreſenting that he hath by indefatigable paines, and ſcrutiny in the moſt approven and modern Dictionaries, from thence compiled a vocabulary entitled *Fraus Elusa* or *Tenebræ Repulsæ*, which, as to the deſigne there-

of, both as to the ſignification as well as to the pronunciation and ſyllabication of words ſeeming to be the ſame but yet different, will be moſt uſefull to extricat and explain both to all perſones eſpecially thoſe of the younger ſort ; And humbly craveing that order and warrant might be granted to the effect underwritne ; The ſaids Lords of his Majeſties Privy Councill having heard and conſidered the forſaid addreſſe, Doe for the ſaid Mr Robert Blaw's encouradgement not only give and grant unto him or his aſſignayes full power and licenſe for the ſole printing reprinting vending or ſelling not only of the ſaid vocabulary, but alſo of his *Syntaxis Vernacula* &c. formerlie printed, And that for the ſpace of nintein yeiris after the date hereof, Diſcharging hereby all vther perſones from printing reprinting vending or ſelling the ſame dureing that ſpace, under the pain of confiſcation thereof to his or their uſe and behoove, beſyds what other puniſhment the Councill ſhall think fitt to inflict, in caiſe of contravention.

PERTH *Cancell.*
I. P. D.

Act in favours of James Watsone, Printer to His Majesties family for Prognostications. SEPT. 16. 1686.

FORASMUCH as It has pleaſed the Kings moſt Excellent Majeſty, By a letter direct under his Royall hand to the Privy Councill of this his ancient Kingdome, To ſignify That it is his Royall will and pleaſure That James Watſon, Printer to his

family within this Kingdome, ſhould have the ſole and only priviledge of printing all Prognoſtications within the ſame, and benefite thereof So as all others may be therefrom diſcharged in manner underwritten; THEREFORE The ſaids Lords, In purſuance of His Majeſtie's Commands aforeſaid, Doe hereby Give and Grant unto the ſaid James Watſon The ſole and only priveledge of Printing Reprinting vending Selling or Importing any Prognoſtications unto this Kingdome after the date of theſe preſents without the ſpeciall allowance and approbation of the ſaid James Watſon, Printer, aforeſaid, As they will anſwer the contrair at their perrill; Extending hereby not only theſe preſents As to what Prognoſtications may hereafter come forth for the enſueing year, Bot alſo as to what have already come forth; Which are hereby expreſsly diſcharged, Unles Licenſe and approbation be granted in manner and under the Certification aforeſaid. And that his Majeſties pleaſure and theſe preſents may be known in the premiſſes, And all Printers Stationers and others certiorat thereof, That exact obedience may be given therto, The ſaids Lords of Councill Doe ordaine the ſame to be Intimate printed and affixt at the ſeverall Mercat Croces of the Head Burghs of the Shires of this Kingdome, and the ſeverall Paroch Churches of the ſame and other places needfull, That none pretend Ignorance.

PERTH *Cancell.*
I. P. D.

Act in favors of Charles Chalmers for printing a Book.
23. JUL. 1695.

THE Lords of his Majeſties Privy Councill having conſidered a Petition given in to them be Charles Chalmers writter in Edinburgh, Shewing, That the Viſcount Tarbat Lord Regiſter having from the authentick Records of the kingdome wrot a Vindication of ROBERT the thrid King of Scotland from the Imputation of Baſtardy &c. And given the benefite of printing the ſame to the Petitioner, which the Petitioner has cauſed doe weell but at a conſiderable expenſe, And Therfore humbly Craving to the effect underwritten As the ſaid petition bears, The ſaids Lords of his Majeſties Privy Councill Doe heirby Diſcharge any to print the ſaid Book within this kingdome, or to Import or vend the ſame for the ſpace of twentie one years after the date heirof without the Petitioners licence, under the penalty of confiſcating the books ſo printed, Imported, or vended, to the Petitioner's uſe and behoove.

Act in favors of James Donaldson for printing the Gazette.
MAR. 10. 1699.

ANENT the petition given in to the Lords of his Majeſties Privy Councill be James Donaldſon merchant in Edinburgh, Shewing, That the petitioner doeth humbly conceive the publiſhing of ane Gazett in this place containeing ane abridgment

of fforaigne newes togither with the occurrances at home may be both uſefull and ſatisfieing to the leidges, and actually hath publiſhed one or two to ſee how it may be liked, and ſo farr as he could underſtand the project was approven of by very many, And therfore Humbly ſupplicating the ſaids Lords to the effect after mentioned; The Lords of his Majeſties Privy Councill haveing conſidered this petition given in to them by the above James Donaldſone, They doe hereby Grant full warrand and authority to the petitioner for publiſhing the above Gazette, and Diſcharges any other perſones whatſoever to pen or publiſh the like, under the penaltie of forfaulting all the coppies to the petitioner, and farder payment to him of the ſoume of ane hundred pounds Scots money, by and attour the forſaid confiſcatioun and forfaulture, and Recommends to the Lord high Chancellor to nominat and appoint a particular perſone to be Superviſor of the ſaids Gazetts before they be expoſed to public view, printed, or ſold.

Act in favors of James Donaldson, Gazetteer, to print Buriall Letters. MAR. 10. 1699.

ANENT the petition given in to the Lords of his Majeſties Privy Councill be James Donaldſon merchant in Edinburgh, Shewing, That the petitioner hath fallen upon a device for printing or ſtamping in a fine wryt character after another maner then is commonly uſed on Copper plates, by raiſeing the ſaid Character on ingotts of braſs much after the faſhion

of Printing types, By which means words may be changed according as the ſubject doeth requyre, and does humbly conceive to cauſe ingrave and imploy ſo much of the ſaid character as may ſerve for buriall letters, may be profitable and convenient for the leidges ſeverall wayes; for the diverſe compellationes, Titular words, names of perſons, and places from whence and to which the corpſes are to be tranſported, may be changed to the Imployers their ſatiſfaction; By this device the leidges may be both cheiper and ſooner ſerved then ordinar, Buriall Letters being oft times in haſte; beſides the decencie and ornament of a border of ſkeletons, mortheads, and other emblems of mortality, which the Petitioner hath ſo contrived that it may be added or abſtracted at pleaſure; Theſe, and ſeverall other advantadges to the leidges, without doubt may be found in the uſe of the ſaid device, which was humbly offered to the ſaids Lords conſideration, who have allwayes given ſuitable encouradgment to what the ſaids Lords had ſeen convenient to the leidges, as it was hoped this would be found; And Therfore humbly ſupplicating to the effect after mentioned; The Lords of his Majeſties Privy Councill haveing conſidered this petition given in to them by the above James Donaldſon, They hereby allow the petitioner and his heirs and aſſigneyes to make uſe of the above device for printing or ſtamping, And Diſcharges any other perſones to make uſe of the ſame for the ſpace of nynetein years, commenceing from the day and date hereof, without ſpeciall warrand from the Petitioner or his heirs aſſigneyes or Repreſentatives had and obtained for that effect, under the penaltie of forfaulting all

theſe to be made by them, to the petitioner, and five hundred merks of penaltie by and attour the ſaid forfaulture.

Act in favours of George Mossman, Stationer in Edinburgh, anent Printing of the works of Mr George Buchanan.
Nov. 9. 1699.

The Lords of his Majeſties Privy Councill doe hereby Grant full priviledge power and warrand to George Moſſman Stationer in Edinburgh, his heirs or aſſigneyes, To print vend and ſell all the works of the learned Mr George Buchanan, in ane Volume in folio, or by parts in leſſer volumes, And diſcharges all others to print Import vend or ſell the whole or any part of the ſaid Mr George Buchanan his works, in any Volume or character, for the ſpace of nyntein years from and after the day and date hereof, Excepting what are already printed and Imported preceiding the date of thir preſents; with Certification to the Contraveeners The copies ſhall be ſeazed upon and confiſcat to the uſe of the ſaid George Moſſman and his forſaids, Attour that the perſones forſaids ſhall be lyable to them in the payment of fyve hundred merks Scots of fine *toties quoties*, beſides the forſaid Confiſcation, and by and attour the ſamen.

To the Right Honourable the Lords of Her Majesty's most Honourable Privy Council,

The Petition of the Printers in Edinburgh,

Humbly Sheweth,

That albeit no tranſgreſſion in our Art of Printing is imputed to your Petitioners; Nevertheleſs the Magiſtrates of Edinburgh are pleaſed to conveen us, and under ſevere threatnings require us to ſign a Bond, that we ſhall Print nothing, (without diſtinction of publick or private), unleſs the ſame be duely authoriſed by publick authority. As alſo, they oblige us to find caution for ourſelves and our Servants. Which will appear to your Lordſhips by their Act hereto ſubjoin'd.

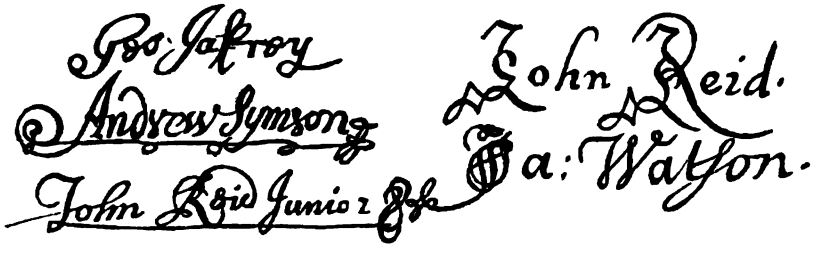
And ſeing the cognizance of theſe matters do belong properly to your Lordſhips, and that we have ſhewn our willingneſs to obſerve your Lordſhips Act 1690, whereof a copy is hereto ſubjoin'd: We ſhall only at preſent humbly repreſent, that the impoſing upon us ſuch Bonds as the Council of Edinburgh require of us, has no warrant in Law, and, as we conceive, ſeems to be prohibited by the Claim of Right.

For avoiding any difference that may hereafter occur anent the exerciſe of our art, we humbly intreat your Lordſhips to nominate in the terms of the Act 1690, perſons who may authorize us in printing any thing relating to publick matters: And for that end may appoint a Committee to conſider our

cafe, and hear our propoſals, that nothing offenſive to the Government, ſcandalous or ſcurrilous, may be printed; and that we may be free from theſe hardſhips, which we ſhall evince this Bond would put upon us.

May it therefore pleaſe your Lordſhips, to take the cognizance of the premiſes, from the Town Council of Edinburgh to yourſelves, to nominate Licenſers, and to appoint a Committee, who may hear your Petitioners propoſals for regulating the printing of publick papers, and other things relating to the regulation of the Preſs.

And your Petitioners ſhall ever Pray, &c.



Act of Privy Council. Edinburgh, the twenty-eight day of January One Thousand Six Hundred and Ninety Years.

THE Lords of their Majeſties Privy Council, in the terms of, and conform to the Tenor of the Twenty Seventh Act, Fifth Parliament of Queen Mary, discharging all Printers within this Kingdom, to Print, or Re-print any Pamphlets, Books, or others, relating to the Government, until the same be seen, revised, and examined by the Earl of Cassils, Master of Melvil, and the Lord Advocat, whom the Council do hereby Authorize for that effect; with certification to such, who shall

presume to act in the contrair hereof, that not only shall all their goods be confiscat, but likewise they shall be banished the Kingdom for ever: And they ordain the Macers of Privy Council to make Intimation to all Printers in Edinburgh, and appoints Sir William Lockhart to make Intimation to all the other Printers within this Kingdom, that they may not pretend Ignorance. Extracted by me,

GILB. ELIOT, *Cls. Sti. Concilii.*

Act of the Council of Edinburgh, 29 October 1703.

The which Day, the Lord Provost, Baillies and Council, Deacons of Crafts ordinar and extraordinar, being conveened in Council, Considering, That, by Ordinance of the Lords of Privy Council, no Printer is to print any thing, unless the same be duly Allowed and Authorized; And that the Printers of this Burgh having transgressed this Ordinance, have occasioned the Magistrats of Edinburgh to be questioned by their Lordships, for not Restraining their said Printers from Printing and Publishing Papers not at all Allowed, and withal Scandalous, and of ill Consequence: Do therefore, to prevent the like in time coming, Statute and Ordain, That no Printer, or Printers Servants, within this City, or Suburbs, (for whom his Master shall be Answerable,) shall not, for hereafter, Print any Books, Pamphlets, or other Papers whatsoever, unless first duly Allowed by Publick Authority, under the Penalty of Losing their Freedom of the Burgh, and otherways Fined and Punished, at the Will of the Magistrate. And, for the more sure Performance of the Premisses, Appoints the whole Printers, present and to come, to give Bond and Caution for themselves, Apprentices and Servants, observing of the Premisses: And als, That they shall affix their Names to whatever Books, or Pamphlets, or Papers, they shall Print, or Publish.

EDINB^R^ THE 25TH JANUARY 1704.

The Lords of her Majeſties Privy Councill having conſidered this petition given in to them by the within Printers of Edinburgh, And the ſamen being Read in their preſence, The ſaids Lords Do heirby Nominat and appoint The Earle of Roſeberry, The Lords Advocat, Juſtice Clerk, Pheſdoe, and Mr Francis Montgomery, to be a Committy to conſider the within petition and matter therin Repreſented, and to call for the Petitioners and the Magiſtrats of Edinburgh, and hear them *hinc inde* theranent, And to Report; And Recommends to the ſaid Committy to meet tomorrow morning at ten of the Clock in the forenoon, And declares any Two a Quorum.

FINDLATER, *I. P. C.*

Warrand anent Pamphlets and sellers of them.
APR. 17. 1704.

THE Lords of her Majeſties Privy Councill conſidering that there are a great many Pamphletts and other papers printed and publictly ſold within the Toun of Edinburgh, that are not licenſed, and ought not to be printed, The ſaids Lords doe heirby Recommend to the Magiſtrates of Edinburgh to take a ſpeciall notice of all ſuch Pamphletis and paperis that ſhall be expoſed to publict ſeall within their ſaid Toun, and of the ſelleris thereof, and Printers of the ſamen; And to call for and examine the ſaid Printers, and committ them to priſon

untill the ſame be reported to the ſaids Lords of her Majeſties Privie Councill.

Act in favours of Sir James Dalrymple for printing a Book.
7 Nov. 1704.

THE Lords of her Majeſties Privie Councill doe heirby grant to Sir James Dalrymple, one of the Clerks of Councell and Seſſion, his airs and aſſigneys, the ſole priviledge of printing, vending, and ſelling ane book, entituled Collections concerning the Scottiſh Hiſtory preceeding the death of King David the firſt, in the year one thouſand one hundred and fiftie three, wherein the Soveraignity of the Crown and the Independency of the Church is cleared, with ane account of the antiquity of the Scottiſh Britiſh Church, and the novelty of Popery in this kingdom; And Diſcharges all other perſones whatſomever to print, reprint, ſell or import into this kingdome, any of the ſaids books, for the ſpace of nynteen years from the date hereof, and that under the pain and penalty of confiſcation of the ſaids books to the uſe of the ſaid Sir James Dalrymple or his foreſaids, and furder under the penalty of fyve hundered merks Scots money, to be payed by the Contraveeners to the ſaid Sir James Dalrymple or his foreſaids, beſydes the ſeizure and forfaulture foreſaid.

Act in favours of Adam Boig for printing the Edinburgh Currant. FEB. 13. 1705.

ANENT the petition given in and preſented to the Lord high Chancellor and remanent Lords of Privie Councill By Adam Boig, Humbly Shewing, That wheras their petitioner intends to ſett forth a paper by the name of Edinburgh Currant which will come out thrice weekly, viz. Monday, Wedneſday, and Fryday, containing moſt of the remarkable forreign newes from their prints, and alſo the home newes from the ports within this Kingdome, when Ships comes and goes, and from whence, which its hoped will prove a great advantage to merchants and others within this Nation, (it being now altogether neglected); And Seeing their petitioner has no inclination to give offence therby to the Government, and that he cannot ſafely doe the ſame without he be impowered therto by their Lordſhips, And therfore craving to the effect after mentioned as the ſaid petition bears; The Lords of her Majeſties Privie Councill having conſidered the above petition given in to them by Adam Boig, and the ſamen being read in their preſence, The ſaids Lords doe heirby allow and grant warrand to the petitioner to ſett furth and print ane paper entituled Edinburgh Currant, containing the remarkable forreign newes from thir prints and letters, as alſo the home newes from the ports within this Kingdome, when Ships comes and goes, and from whence; he alwayes being anſwerable for the ſamen, and for the newes therin ſpecified and ſett doun.

Act in favours of Mr William Forbes, Advocat, to print a Book. 8 MAR. 1705.

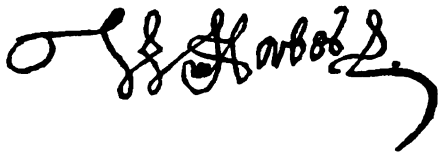
UNTO THE RIGHT HONOURABLE THE LORDS OF HER MAJESTIE'S MOST HONOURABLE PRIVIE COUNCIL, MR WILLIAM FORBES, ADVOCAT,

Humbly Sheweth,

That where I have compoſed A Treatiſe of Church Lands and Tithes, containing the hiſtory of Eccleſiaſticall revenues, churches, church offices, beneſices, gleibs, manſes, patronage, religious and ſome military orders, with a clear and full diſcuſſion of points of right and controverſy relateing to theſe matters: And ſhewing how farr the Scots and Canon Laws doe agree and differ, the forme of proceſs before the High Commiſſion, and the rules obſerved by that ſupreme Court in valuing or ſelling of tithes, ſettling miniſters ſtipends, erecting or tranſplanting churches, uniting, annexing, divideing or diſmembring pariſhes, and in reduceing their own decreets, together with a diſtinct explanation of rights ariſeing from decreets of the Commiſſion and falling under the cogniſance of the Lords of Seſſion;

May it therefore pleaſe your Lordſhips to grant to me, my heirs or aſſigneys, the ſole priviledge of printing vending and ſelling the forſaid book entituled a Treatiſe of Church Lands and Tithes &c. and to diſcharge all other perſons whatſomever to print re-

print ſell or import into this kingdome any of the ſaids books for the ſpace of nyneteen years from the date hereof And farder under the penalty of five hundred merks Scots money, to be payed by the contraveeners to me or my forſaids, beſides the ſeizure and forefaulture forſaid; According to Juſtice and your Lordſhips anſwer.



EDINBURGH, 13 FEB. 1705.

THE Lords of Her Majeſties privie Councell haveing conſidered the within petition given in to them by Mr William Forbes Advocat, and the ſamen being read in their preſence, the ſaids Lords doe heirby appoynt the petitioner to wait upon ſuch of the Lords of Seſſion as are upon the Councill, with the Lord Advocat, that the ſaids Lords may conſider and peruſe the ſheets of the ſaid book; and recommends to the ſaid Committie to make their report to the Councill with their conveniencie.

TWEEDDALE *Cancell.*
I. P. D.

EDINBURGH 8 MARCH 1705.

THE Lords of her Majeſties Privie Councill having conſidered the above Petition, &c. Doe heirby grant to the Petitioner his airs or aſſigneys, the ſole priviledge of printing, vending, and ſelling the foreſaid Book, entituled a Treatiſe of Church Lands and Teiths, &c. And have diſcharged, and heirby Diſcharges all other perſones whatſomever to print, reprint, ſell, or import into this kingdome any of the ſaids Books for the ſpace of nynteen years from the date heirof, and that under the pain of confiſcation of the ſaids books, &c. &c.

Act in favours of Mr James Webster to print a Book.
8 MARCH 1705.

THE Lords of her Majeſties Privie Councill Doe hereby grant to Mr James Webſter, one of the Miniſters of Edinburgh, his airs or aſſigneyes, the ſole priviledge of printing, vending, and ſelling the book entituled Sacramentall Sermons and Diſcourſes, compoſed by the ſaid Mr James; And Diſcharges all other perſons whatſomever to print, reprint, ſell or import into this kingdom any of the ſaids books for the ſpace of eleven years from the date heirof, and that under the paine and penalty of confiſcation of the ſaids books to the uſe of the ſaid Mr James Webſter and his foreſaids; And farder under the penalty of fyve hundreth merks Scots money, to be paid by the Contraveeners to the ſaid Mr James Webſter or his foreſaids, beſydes the ſeizure and forfaulture forſaid.

To his Grace, Her Majesty's High Commissioner, and the Right Honourable Lords, and Others of Her Majesty's Privy Council,

The Petition of George Ker and Evander MacIver, Tacksmen of the Scots Manufactory-Paper-Mills, and James Watson Printer in Edinburgh,

Humbly Sheweth,

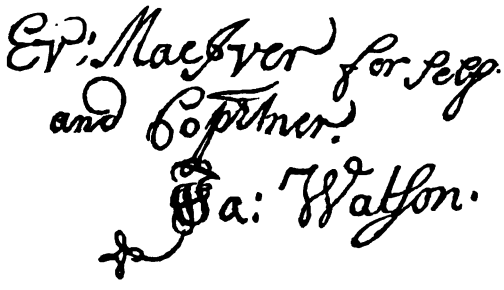
That your Petitioners finding, to the great discouragement of such as have apply'd themselves and their small Stocks to the improvement of the Paper-Manufactory and Art of Printing in this Kingdom, that vast numbers and quantities of Books relating to the Affairs of Scotland, are daily imported from England, for which exorbitant Prices are imposed upon the Leiges, and considerable Sums of Money carryed of course out of the Nation: A manifest instance whereof (amongst many others that may be given) appears by a Book lately brought from England, Entitled, War betwixt the British Kingdoms considered, &c. which consists of 13 Sheets of Paper only, and yet there's no less than Two Shillings Sterling exacted for each Copy in stitch'd Sheets, without being bound: And the Printer of that Book in England, has contrary to the

apparent deſign of the Book it ſelf, affixt ſuch a daring and unwarrantable Advertiſement at the end thereof, as if the Printers of Scotland had a Dependence on thoſe of England, and could not Re-print any Book here without their Licenſe and Permiſſion, which your Petitioners humbly conceived to have been ſuch an open Encroachment on their Native Right, and ſuch an Abuſe on the Leiges of this Kingdom in general, that out of a juſt Reſentment thereof, they reſolved to Re-print the ſaid Book very Correctly on good Scots Paper, and to have ſold the ſame at Ten Pence each Copy, and had advanced a good way in Reprinting thereof, until that, to their great Surpriſe and Diſappointment, they were ſtopt by vertue of your Grace and Lordſhips Act, obtain'd by the Miſ-information of ſome Perſons here, who from a ſelfiſh Deſign, had borrowed the Author's Name, and pretended that theſe Books were ſold for his benefit only, tho' it can be made appear that they had them at 15 Pence each Copy, which makes their Profit but one ſingle Penny leſs than your Petitioners intended Price for the whole Book, when Re-printed here.

May it therefore pleaſe your Grace and Lordſhips, to take the Premiſſes into your ſerious Conſideration, and for the Encouragement of the Paper-Manufactory and the Art of Printing at home, and for the keeping of Money as much as may be within the Kingdom, to re-call the ſaid Act of Council, and allow your Petitioners to proceed in finiſhing the Re-printing of the ſaid Book, before any more Copies of the Engliſh Impreſſion be imported upon the Encourage-

ment of the ſaid Act, thoſe already brought home being near ſold, as your Petitioners are informed.

And Your Petitioners ſhall ever Pray, &c.



HALLYROODHOUSE 26TH JUNE 1705.

His Grace her Majeſties high Commiſſioner and Lords of her Majeſties Privie Councill, haveing conſidered the within Petituon given in to them by the Taxmen of the Paper Manufactory; and the ſamen being read in their preſence, His Grace and the ſaids Lords doe hereby Refuſe the deſire thereof. And appoynts, and ordaines, and Gives orders and warrand to their Macers, to ceite Evand M'Iver and James Watſone, Printers in Edinburgh, as the perſones who ſignes the ſaid Petition: As alſo the ſaid James Watſone, as the perſone alſo who Reprinted the pamphlet, entituled, Scotland reduced by force of armes and made a province of England, to appear before the Councill next Councill day, and anſwer to what ſhall be layed to their charge thereanent.

SEAFIELD *Cancellar.*

I. P. D.

PROCEEDINGS IN THE CAUSE, ADAM BOIG *v.* JAMES DONALDSON, ETC.

To His Grace Her Majesties High Commissioner and the Right Honourable the Lords of Her Majesties most Honourable Privy Council, The Petition of Adam Boig.

Humbly Sheweth,

That your Petitioner having obtained your Lordſhips liberty and permiſſion for emiting a News-paper, under the title of the Edinburgh Courant, in which I have carryed ever ſince, with very great care, diligence, and caution, to the ſatiſfaction not only of your Lordſhips, but of the Leidges in general; Until by misfortune, upon the 22d and 25th days of June laſt, your Petitioner being importun'd by Mr Evandar M^cIver, Tackſman of the Paper Manufactory, to inſert an Advertiſement given in and ſubſcribed by the ſaid Mr M^cIver, herewith produced, Your Petitioner did moſt inadvertantly ſuffer the ſame to be inſert in the Courant, which, (to your Petitioner's great grief), has given offence to your Grace and Lordſhips, whereupon your Grace and Lordſhips have juſtly ſtopped the Printing and emitting the ſaid Courant, the continuance of which ſtop will intirely ruine your Petitioner now, after he

hath been at great pains and charges in ſettling Correſpondents at Home and Abroad.

May it therefore pleaſe your Grace and Lordſhips to accept of your Petitioners humble and ſincere acknowledgement of his Fault; and, of your Grace and Lordſhips bounty and goodneſs, to repone your Petitioner to the Printing and Publiſhing the Courant as formerly; and according to my duty I ſhall hereafter be more cautious and circumſpect, and am moſt willing that in all time coming no Inland News nor Advertiſement ſhall be publiſhed nor put into the Courant, but at the Sight and Allowance of the Clerks of Council.

And your Petitioner ſhall ever pray,

Adam Borg

ADVERTISEMENT.

The above Act haveing bein obtained *parte inaudita*, The perſon cheefly concerned in reprinting the book therein mentioned, haveing ane intereſt in the Paper manufactory deſignes to apply to His Grace her Majeſtyes high Commiſsioner and moſt honorabill privy Council nixt Council-day for re-aſsuming the ſubject matter of the ſajd act into their farther con-

ſideration, in reſpect that the vending of conſiderable numbers of ſuch bookes here as are printed in England which may be very well printed or re-printed in Scotland is not only a great diſcouragement to the improvement of the Paper manufactory and art of printing at home, but likewiſe the mean of ſending unneceſsarily a great deale of money out of the nation, and of impoſeing more then double prices on the Lieges whereby the contents of ſuch books are hindered from being ſo univerſaly knowen as otherwayes they may be: And thoſe concern'd in reprinting the ſaid booke make noe doubt but that upon a reconſideration of the premiſes, His Grace and their Lordſhips will be pleaſ'd to allow the ſame to be finiſh'd and publiſh'd; eſpecially ſince the ſaid act has bein obtain'd by ſome perſons here for their own privat advantage without any mandat or procuratory from the author, whoſe name was only borrowed for giveing ſome pretended colour to the petition upon which the ſaid act was obtained.

Edr 22d June 1705.

Mr Boig inſert the above Advertiſement in this dayes Courant for your friend

Ev. MacIver.

UNTO HIS GRACE JOHN DUKE OF ARGYLE HER MAJESTIES HIGH COMMISSIONER AND LORDS OF HER MAJESTIES MOST HONOURABLE PRIVY COUNCIL,

THE PETITION OF JAMES DONALDSON WRITER OF THE GAZETTE,

Humbly Sheweth,

Your Grace and Lordſhips Petitioner having levied a Company of foot at his own charge anno 1689, and having ſerved in the Earl of Angus's Regiment till the ſame was reduced from 20 to 13 Companies, by quhich expence and being quite put out of the way of Buſsineſs he was ſo involved in debt that in a few years after all his means were quite exhauſted, quhich put your Petitioner to think of all poſſible means of ſubſiſtance, and having projected the writing of a News paper in this place obtain'd your Lordſhips warrand for penning and publiſhing all news in a Gazette twice or thrice a week as the ſaid act herewith produced doth teſtify, He did alſo procure your Lordſhips act for the ſole printing of Burial Letters, including Heirs and executors, for 19 years, 6 of quhich being expired; Tho theſe grants did not wholy anſuer expectation yet your Petitioner made a ſhift to live thereby, till in February laſt Adam Boig did very unexpectedly obtain your Lordſhips warrand to publiſh a Newſpaper only diſtinguiſhable from the Gazette by the title, which your Petitioner taking to be inconſiſtent with his Act which excludes all others, he made

application to your Lordſhips next Council day to have Adam Boigs Act recall'd, quhich not being granted, Adam Boig began very early to ſhew for what end he had made application to your Lordſhips, and at the firſt inſtant gave his Paper to the Balland cryers 4 ß a quair below the common price, as he did likewiſe to the Poſtmaſter who uſed to take a percel of Gazettes weekly; This obliged your Petitioner to lower the price of his Gazettes likewiſe, But the ſaid Adam and thoſe who aſſiſted him did ſtill ſo practiſe the Paper cryers as to neglect the ſelling of the Gazette, to deny that there was any printed when inquired at, and alſo to extol Mr Boig and the Courant as a paper much preferable to the Gazette, both in reſpect of foreign and domeſtick News; Tho ſuch litle artifices ſhould ſeem to merit but little regard, yet by abſtracting the Gazette, and the other methods aforeſaid, the Courant gain'd credit with ſome, tho your Petitioner cannot underſtand upon quhat con ſideration, for all the foreign News that ever was in the Courant were takin verbatim out of ſome of the London papers, and for the moſt part from Dyers Letter and the London Courant, which are not of the beſt reputation; ſo your Petitioner did never omit any domeſtick News that he judged pertinent, tho he neither midled with matters that he had cauſe to believe would not be acceptable, nor every ſtory and triffling matter he heard; Moreover your Petitioner doth juſt now ſuffer for Adam Boigs falt in having the Gazette ſtop, tho that diſagreeable paragraph was not in, which being in the Courant was diſpleaſing to your Lordſhips, as well as by his practiſing the paper ſellers, ſo that by thair combinations they neither

would ſell the Gazettes, nor permit any other perſon whom I employ'd, pretending to be countenanced by the Mageſtrats.

As your Petitioner has ſuffered all theſe ways by Adam Boigs premeditat and deſigned endevours, joined with others who aſſiſts him, ſo your Petitioners loſs is yet greater by the oblique conſequences thereof; for juſt about the time when Adam Boig obtain'd his Act, your Petitioner was contracting with ſome gentlemen for ſetting up an fire Arm Manufacture, quhich your Petitioner had obtained previlege for from your Lordſhips, againſt much opoſition of the Hamermen of Edinburgh; the people with who he was contracting, perceiving how your Petitioner was defeat in the matter of the Gazette, fearing ſome other perſon might likewiſe defeat the deſign of the fire Arm Manufacture by ſome ſeeming diſtinction of ſetting up another thing, brok off; ſo that your Petitioner can make nothing by it notwithſtanding of all his pains.

Beſides theſe injuries done to your Petitioner he is farther threaten'd by ſome Printers in Town, that declare their intention to print Burial Letters notwithſtanding your Petitioners privilege as above repreſented; againſt quhich your Petitioner ſhould think himſelf ſecure enough, were it not that he has been ſo baffled in the matter of the Gazette that he knows not how far he may be diſappointed in this.

It is alſo further humbly repreſented, that your Petitioner is informed that Adam gives out that your Petitioner has no

intreſt in the Gazette having quited the ſame to John Biſſat the truth is your Petitioner being diſabled to cary on the Gazette by all theſe means above repreſented he left off publiſhing thereof the 7th of May laſt but gave no power to John Biſſat but a bare permiſſion during pleaſure and he is ſure your Lordſhips will not think it a good reaſon to deny your Petitioner hes juſt right becauſe through the Artifices of his Enemies he was debilitat to retain the ſame for a time.

As your Lordſhips cannot but perceive into what a lybirinth of difficulties dangers and loſſes your Petitioner is involved that he believes the like has ſcarcely hapen'd to any man ſo he is confident no man ever gave leſs ground of offence or envy all theſe methods which he has taken to earn bread not having had an exiſtance when he aply'd for them and conſequentlie obtaining of his requeſt wrong'd no man and for that reaſon ought the leſs to be coveted by any.

May it therefore pleaſe your Grace and Lordſhips to conſider the premiſes and the Act in your Petitioners favours relating to the Gazette herewith produced, and if the ſame ſhall ſeem to your Lordſhips to entitle your Petitioner to the ſole privilege of publiſhing the News (as he takes it to do) thereupon to Recal the Act in Adam Boigs favours and Retify your Petitioners allowing him alſo to ſell his papers to the beſt advantage And alſo to Retify and Confirm his other Acts in Relation to the Burial Letter and Fire Arm Manufacture declaring that it is your

Lordſhips intention that they ſhould ſtand in full force againſt all perſons who without your Petitioners warand ſhall preſume to print Burial Letters or make uſe of ſuch engines as are invented or firſt uſed in this kingdom by your Petitioner during the ſpace and under the penalties contain'd in the ſaid Acts reſpectively as they herewith produced do purport.

And your Petitioner ſhall ever pray, &c.

Ja Donaldſon

HOLYROODHOUSE THE 26 OF JUNE 1705.

HIS Grace her Majeſties high Commiſſioner and Lords of her Majeſties Privy Council Doe appoint and ordain, and Gave order and warrant to their Macers to cite Adam Boig, author of the Currant, to appear befor the Council next Council day peremptorie, and anſuer to what ſhall be laid to his charge for inſerting ane particular paragraph in his Currant; and in the mean time Diſcharges the ſaid Adam Boig author of the Currant, and James Donaldſon author of the Gazett, to print or expoſe to publick ſale any Currants or Gazetts, till further orders of Councill thereanent.

SEAFIELD *Cancellar.*

I. P. D.

UNTO HIS GRACE HER MAJESTIES HIGH COMMISSIONER, AND THE RIGHT HONOURABLE, THE LORDS OF HER MAJESTIES MOST HONOURABLE PRIVY COUNCIL,

THE HUMBLE PETITION OF ADAM BOIG,

Sheweth,

THAT the Petitioner's Courant was by your Grace and Lordſhips moſt Juſtly Stopt, on Account of a moſt Impertinent Advertiſement therein inſert in June laſt; Which your Grace and Lordſhips had good Ground to have thought was my own Fact, altho it was truely inſert by the Importunity of Mr. Evander M'Iver. Upon the 24 of July I applyed to your Lordſhips, and craved that your Lordſhips in your Clemencie and Goodneſs, might yet allow me to publiſh the Courant, I being diſcharged to inſert any Scots News, till they were Reviſed by the Clerks of Council.

At the ſame time there was another Petition given in by Ja. Donaldſon Author of the Gazette, deſiring the Stop put to the Gazette to be taken off; And complaining of your Lordſhips Act in my Favours, upon ſeveral frivolous Grounds: Upon reading of which two Bills, your Grace and Lordſhips were pleaſed to allow the Gazette to go on (as to which I have nothing to ſay); And appointed me to be cited to next Council-day: And in the mean time to See and Anſwer Donaldſon's Petition. As to which I humbly beg leave to Repre-

ſent to your Grace and Lordſhips, That I cannot expreſs my Grief and Sorrow, for having had the leaſt Acceſſion to any thing that gave your Grace and Lordſhips Offence; And that if wrong could have any Warrand (which it cannot) the Petitioner has ſome Excuſe for this his Fault, for the Paragraph of the Courant juſtly quarrelled, is not inſert as News, but as an Advertiſement given in by Mr. M'Iver, ſubſcrived with his hand, the Principal whereof is in the Clerk of Councils hands. I muſt, notwithſtanding, with all Submiſſion own that it was ſtill a Crime in me to inſert it, and in the due Senſe of my Guilt, I humbly ſubmitt my ſelf to your Lordſhips Cenſure. And as to my being cited, your Grace and Lordſhips Trouble of Libelling me may be prevented, for I acknowledge my Guilt, and Submitts as above. As to Captain Donaldſon's Petition (I mean that part thereof which deſires my Act to be Recall'd) I humbly beg leave to Inform the Honourable Board, That that Affair ſeems to be *res hactenus judicata*, for upon the 15th. of February laſt, a Petition to the ſame purpoſe was preſented by Donaldſon, and after mature Deliberation, was Refuſed without a Contradictory Vote. I humbly ſuppoſe it needleſs to trouble your Grace and Lordſhips with Anſwering every particular Storie of that long Petition, only this in General, The Petition Complains; That I Underſold him; That my Courant bore nothing but what was collected from Forreign News-Papers; And that it gained greater Reputation than his Gazette. As to the Firſt, It was his Fault if he kept the Gazette too dear; And I muſt ſay, that his Profit cannot but be Conſiderable, when he ſells at my Price, for all

my News comes by the common Poſt, and I pay the Poſtage; Whereas John Biſſet his Conjunct gets his News all by the Secretaries Pacquet free of Poſtage, which is at leaſt Eight Shilling Sterling a Week free Gain to them. As to the Second, I own that the Forreign News was collected from other News-papers, and I ſuppoſe Mr. Donaldſon has not his News from firſt hands more than I did: But the Truth is, the Courant bore more, for it always bore the Home-news, eſpecially anent our Shipping, which I humbly ſuppoſe was one of the Reaſons of its having a good Report; And Mr. Donaldſon, tho' he had a Yearly Allowance from the Royal Burrows, never touched any thing of that Nature, nor ſettled a Correſpondent at any Port in the Kingdom, no not ſo much as at Leith. As to the Third, It's left to your Grace and Lordſhips to judge if it be a Crime in me, that the Courant had a greater Reputation than the Gazette. Upon the whole, I humbly preſume to ſay, That the Courant was a News-paper publiſhed by Authority, and reckoned by the greateſt part of the Kingdom Uſeful: That Mr Donaldſon's former Bill to this ſame purpoſe was Refuſed. And as to my great Offence, I humbly ſubmit my ſelf to your Grace and Lordſhips Mercy.

May it therefore pleaſe your Grace and Lordſhips, in Conſideration of my Circumſtances, to take the Premiſſes to your Serious Conſideration; And of your Goodneſs and Clemencie, to accept of this my humble Submiſſion: And if your Grace and Lordſhips incline to inflict any Puniſhment on me for my Offence, to mix Mercie with Juſtice, and make the Puniſhment

ſuch as may not utterly ruine me; And yet allow me to Print and Publiſh the Courant, notwithſtanding of Mr. Donaldſon's Petition, the Scots News being always Reviſed by the Clerks of Council before inſerting; Without which the Petitioner is utterly ruined.

And your Petitioner ſhall ever pray.

Adam Borg

UNTO HIS GRACE JOHN DUKE OF ARGYLE HER MAJESTIES HIGH COMMISSIONER AND LORDS OF HER MAJESTIES MOST HONOURABLE PRIVY COUNCIL,

THE PETITION OF JAMES DONALDSON WRITER OF THE GAZETTE,

Humbly Sheweth,

That laſt Council day your petitioner had a petition before your Grace and Lordſhips, repreſenting to the effect following, viz. That John Ried younger, printer in Edin^r^, had lately, without your petitioner's warrand and conſent, printed Burial Letters for his own behove, tho' your petitioner has an ample act of your Lordſhips in his favours for the ſole privelege thereof, as the ſame in the Clerk's hands doth teſtify;

And alſo That as Adam Boig had ſuruptitiouſly obtained your Lordſhip's warrant in Feb. laſt to print a News paper, which your petitioner humbly conceived inconſiſtent with your act and privelege in his favours concerning the Gazette, and that firſt Council day following he haſtely preſented a ſhort petition craving the full benefit of his ſaid Act, but it not being then produced, the matter was let fall, ſo that your petitioner forbore any further application till he found himſelf inſuportably leiſed by the ſaid Adam Boig; and it happening that when he was about to apply a ſecond time, Mr Boig fell under your Lordſhip's diſpleaſure, and a ſtop was put to the publication of his print, in which calamity your petitioner ſhared, tho' innocent; and your Lordſhips having cauſed ſummond Mr Boig before you for his ſaid offence, and committed the examination of his affair to a Committee, to know who aſſiſted him in the carrying on of his Courant, (a ſubject extranious to your petitioner's complaint,) it was humbly conceived to be a proper time to repreſent your petitioner's caſe when Mr Boig's Report came in, but his petition being neglected to be then read, he with all imaginable humility and earneſtneſs, begs that now his Act concerning the Gazette, herewith produced, may be taken into conſideration, ſeing hitherto it has not been read in your Lordſhips preſence, nor conſidered in Council, and that the doing any thing in prejudice thereof doth not only utterly ruin your petitioner, who has a numerous family to provid for, (in whoſe miſery your Lordſhips can have no ſatisfaction,) but it derogats from your Lordſhips authority, for if you ſhould think fit to diſpence with your own Acts, all who have

obtained your Lordſhips grants muſt enjoy them precarioufly; and ſeing hitherto it has not been your Lordſhips practice to diſpence with them, it is hoped your Lordſhips will not now begin with your petitioner, whoſe caſe pleads preference to his competitor, tho' their pleas were on an equal footing, and there is no poſſibility of two News Writers ſubſiſting by that imployment in this place. It is further repreſented that your petitioner has not been able to go on with a profitable project of making engines for facilitating of Smith work, the parties who were to have aſſiſted therein having deſerted him upon A. Boig's obtaining leave to print his Courant, leaſt ſome of his temper might, after much expence beſtowed on ſetting up ſuch a work, defeat your Lordſhips Act eſtabliſhing it.

May it therefore pleaſe your Grace and Lordſhips to take into conſideration your petitioners forſaid Acts, herewith produced, and to deſern the above John Ried to pay the penalty contained in your Lordſhips act in your petitioner's favours for printing Buriall Letters, for his ſaid encroachment, and diſcharge Adam Boig to publiſh any more News papers for the future, and to declare that it is your Lordſhips intentions that none print Buriall Letters, or make uſe of the Engines firſt uſed or invented by your petitioner, under the certifications contained in the ſaid reſpective Acts, during the terms therein mentioned, or at leaſt to appoint a Committee to examine the whole affair, and make report thereof to your Grace and Lordſhips.

And your petitioner ſhall ever pray.

VNTO HIS GRACE THE DUKE OF ARGYLE, HER MAJESTIES HIGH COMMISSIONER; AND THE LORDS OF HER MAJESTIES MOST HONORABLE PRIVY COUNCILL:

THE PETITION OF JAMES DONALDSON, WRITER OF THE GAZETTE,

Humbly Sheweth,

THAT your Petitioner having ſome Years bygone, Obtain'd the ſole Privelege of Publiſhing the News, which Project was look'd on as a general Benefit, and hes been Proſicute with ſo much Care and Diligence, that by this means he made a ſhift to ſubſiſt himſelf and Family, and was thereby Supported under the great Loſſes he ſuſtain'd by his early Zeal and Affection to the Government, as is well known to many of your Lordſhips.

Tho this Project encroached on no Man's Province, but was ſet on foot by your Petitioner for Supplying the pinching Neceſſities he was Reduced to, yet this could not Skreen him from Envy; Adam Boig out of a Deſign to Wreſt this ſmall Benifit to himſelf, contrived with a Printer (formerly employed by your Petitioner, whom he found it his Intreſt to diſengadge himſelf of) to undertake a News Print under the name of a Courant.

Your Petitioner judging himſelf extremely leiſed by this new Encroachment, applyed to your Lordſhips to have the Privelege formerly granted him made effectual, but his Act of

Council not being given in with his Petition, which was haſtily preſented firſt Council Day after Adam Boigs Encroachment, the matter was let fall.

Your Petitioner has ſince produced before your Lordſhips the Act allowing him the foreſaid Priveledge, and craved the full Benefit thereof; and that Mr Boig might be diſcharged to publiſh his News Paper, which was a manifeſt Encroachment upon your Petitioners Right and Privelege, and does altogether fruſtrat and evacuat your Lordſhips Grant in his Favours.

To which Petition Mr Boig has given in a Counter Petition by way of Anſwers, wherein he endeavours to leſſen and depretiat the Gazette, and alledges your Petitioner is at leſs Expence for News than he, tho the Gazette is ſold dearer than his Paper, and pretends the contraverſy is *Res hactenus judicata.*

To which your Petitioner humbly Repreſents, that your Lordſhips Act allowing him the forſaid Privelege, was not under Conſideration at the time Mr Boig pretends it was Cognoſed; and tho the matter were true which he alledges as to the way your Petitioner gets his News, it is of no moment, but the Fact is quite otherways; for your Petitioner gets no news from John Biffet; but has been at conſiderable expence for them, as he can ſhew by the Poſt Maſters Diſcharges: Whereas he has Dyer's Letter without any Price for Coroſponding with him, out of which and paragraphs of the London Courant, coppied verbatim, he makes up his Courant: Whereas the Gazette is a Colection from the moſt famous News Writers, who are look'd on as moſt Impartial and have the beſt Intelligence. It is woundered how Mr. Boig can make

this Repreſentation in your Petitioners laſt Petition to be an acknowledgement that the Courant obtain'd greater Reputation than the Gazette; Or how he can aſſert that there was never any Domeſtick News in the Gazette, when the contrary is Notour to all who read it.

By all which it will evidently appear to your Lordſhips, how calumnious Mr. Boig's Repreſentation is, and how injurious he is to your Petitioner, in endeavouring to deprive him of his Bread, which he earns with aboundance of Pains, and has cautiouſly and faithfully diſcharged the Truſt repoſed in him, to the ſatisfaction of all unbyaſſed and well affected Perſons; and tho your Petitioner has ſufficient Provocation from Mr. Boig's Acting to his great Prejudice; yet ſeing he is at preſent under your Lordſhips Cenſure, he forbears any Reflections at the time.

Your Grace and Lordſhips are entreated to conſider, that the Motives for granting your Petitioners foreſaid Privilege were, becauſe the Project was his own Invention, and that it would in ſome meaſure help to repair his Loſſes ſuſtained as aforeſaid, the ſame Reaſons ſubſiſt ſtill; and therefore it is hoped your Lordſhips have not altered your favourable Inclination, ſeing there is nothing done on your Petitioners part to merit your Diſpleaſure: and tho at firſt granting of your Petitioners Privelege, it was voluntary and entirely owing to your Lordſhips Bounty, yet being paſt into an Act, it bears a *Jus quæsitum*; and any thing done in prejudice thereof derogats from your Lordſhips Authority, which unleſs ſtrictely obſerved, none who obtains Gifts can be ſecured; and it is an uncon-

traverted Principle in Law, that all Priveleges are to be underſtood in the moſt favourable, ample and extended Senſe, and no ways reſtricted; whereas if this Infringement be allowed, it may encourage ſome of Mr. Boig's Temper, to make the like Attempts upon other Acts granted by your Lordſhips, which would be of bad Conſequence.

In anſwer to an objection which may be made, as if your Petitioner's Requeſt did imply a Monopoly, it is urged, that in this Caſe there is no Inhaunſing of employment into one hand which can be divided among many, for with much difficulty did your Petitioner ſubſiſt by the Gazette while he had no Competitor, and all who attempted to publiſh News Papers in this Kingdom before him, were always obliged to give it over as impracticable, becauſe of the ſmall numbers of people who buy News-papers, ſo that it's not poſſible for two to Subſiſt thereby; and if your Lordſhips ſhould allow two, the Reſult muſt be, that he who could bear out longeſt by underſelling and wreiſting Cuſtomers from the other muſt carry it, and your Petitioner is informed that ſeveral perſons who bears him no good will, promiſe to aſſiſt Mr. Boig to a years Expence of the Courant, that he may underſel, outweary and quite ruine your Petitioner, to whom its hoped your Lordſhips will not afford a Handle, to perpetrat their Deſigns; eſpecially ſeing the Motives which Induced your Lordſhips to favour your Petitioner at firſt, do ſtill ſubſiſt; yea, and even encreaſe, becauſe his Family is greater, and beſides the Project on which his Competitor would intrude, is his own, and is improved beyond what it ever was in this Kingdom before, in which

caſe even Monopolys are uſually allowed, to Inventers and Improvers, for 19 years or ſome conſiderable ſpace.

May it therefore pleaſe your Grace and Lordſhips, to Conſider the Act in your Petitioner's favours concerning the Gazette, herewith produced, to confirm and Ratify the ſame, and to diſcharge Adam Boig to publiſh any News Print for the future; and alſo to declare, that it is your Grace and Lordſhips Intention, that Your Petitioner's other Acts concerning printing Burial Letters and new Invented Engines, facilitating of Smith Work, ſhall ſtand in full Force, according to their reſpective Tenors; and that none Print Burial Letters, or make uſe of the ſaid Engines dureing the reſpective Terms mentioned in the ſaid Acts, under the Certifications therein contained.

And your Petitioner ſhall ever pray, &c.

Further Representation of James Donaldson.

YOUR Lordſhips petitioner did in his former petition, repreſent, That upon Adam Boig's obtaining leave to publiſh a News print, ſeveral perſons who were contracting with your Petitioner, for ſeting up a Fire Arm Manufacture, deſerted him, and that he was threatened by ſome Printers in town, that they would print Burial Letters notwithſtanding of your Lordſhips Grant in his favour for the ſole privelege; and actualy ſince the drawing of this laſt petition, John Ried,

younger, printer, has without the warand or conſent of your petitioner, printed Letters to the Funeral of Mr Dunlop, Miniſter at Kirkowan, by which deed, and the foreſaid conſequences of Adam Boig's obtaining leave to publiſh News, your Petitioner is not only utterly ruined, but your Lordſhips authority is diſregarded and like to be contemned, if your Lordſhips do not vindicat the ſame in granting the deſire of your petitioners petition.

HOLYROOD-HOUSE, 24 JULY 1705.

His Grace her Majeſties high Commiſſioner and the Lords of her Majeſties Privie Councill having conſidered the above Petition given in to them by James Donaldſone writer of the Gazette and the ſamen with ane other petition by Adam Boig being read in their preſence his Grace and the ſaids Lords doe hereby Grant warrant to the ſaid James Donaldſone to ceite the ſaid Adam Boig to appear before the Councill next Councill day to debaite as to the ſubject matter contained in both petitiones And in the mean time allowes Adam Boig to ſee and anſwer Donaldſones petitione And his Grace and the ſaids Lords doe heireby take off the former ſtop given by their Lordſhips to the printing of the Gazet and allowes the ſaid James Donaldſone to print and publiſh the ſamen as formerly in the meantyme ay and whyle farder orders of Councill thereanent.

SEAFIELD *Cancellar. I. P. D.*

Recommendation to the Committee to meet anent Adam Boig.
EDIN^{R} 25 AUGUST 1705.

HIS Grace her Majeſties high Commiſſioner and the Lords of her Majeſties Privie Councill Doe heireby nominate and appoint the Lord Juſtice Clerk Mr Francis Montgomery and Blacader to be a Committee to call for Adam Boig Author of the Currant and cauſe him condeſcend who are partners with him in publiſhing the ſaid Currant And Recommends to the ſaid Committee to meet on Monday morning at ten o'clock in the forenoon and Declaires any two a Quorum and Report.

SEAFIELD *Cancellar. I. P. D.*

Procedor of the Committee anent Adam Boig, author of the Currant.

SEDERUNT—Lord Juſtice Clerk and Sir John Home of Blacader and afterwards Mr Francis Montgomerie cam in.
ED^{R} 29 AUGUST 1705.

THE Committie haveing called for Adam Boig and examined him in the termes of the Remitt That he ſhould condeſcend who were his partners in publiſhing of the Currant Declares he hes no partners As for the forraigne news he takes them from the prints For the home news he hes them from perſons concerned in the Cuſtome offices at the ſeverall ports except Aberdein which he hes from one Cruckſhanks who keeps a

publict Coffe houſe there As to any thing wherin the Government might be concerned he waited on the Clerks of Council only as to that Advertiſment concerning Mr Hodges Book he acknowledges he was impoſed upon And humbly beggs pardon for it And engadges never to do the lyke for the future And humbly beggs that the Lords of her Majeſties moſt honorabill Privie Councill will be pleaſed to take off the ſtop to publiſhing his Currant which is the only mean of his liveliehood and ſubſiſtance.

ADAM BOIG.

It's the opinion of the Committie that the ſtopp may be taken off the ſaid Adam Boig Enacting himſelf never to publiſh any thing concerning the Government till firſt it be reviſed by the Clerks of Councill And that under ſuch penaltie as the Lords of Privie Council ſhall think fitt.

AD: COKBURNE.
JOHN HOME.
F. MONTGOMERIE.

HOLYROODHOUSE 2 OCTOBER 1705.

HIS Grace her Majeſties high Commiſſioner and Lords of her Majeſties Privy Councill haveing conſidered the petition given in to them by Adam Boig with the within Report of the Committy of their own number appoynted thereupoun and the ſamen being read in their preſence his Grace and the ſaids

Lords have approven And heirby approve thereof And have taken off and heireby takes off the ſtope formerly made by their Lordſhips to the ſaid Adams printing and publiſhing the Currant And have permitted and allowed and heireby permitts and allows the ſaid Adam Boig to publiſh and print the ſaid Currant as formerly upon his enacting himſelfe in the books of Privy Councill That he ſhall publiſh nothing concerning the Government till firſt the ſamein be reviſed by the Clarks of Privy Councill and appoynts and ordaines the Clerks forſaid to reviſe the ſamein accordingly.

SEAFIELD *Cancellar. I. P. D.*

Enactment by Adam Boig 5th October 1705.

Be it knowen To all men be thir preſents Me Adam Boig author of the Edinburgh Curant Foraſmuch as the Lords of her Majeſteis Privie Councill be their act of the date the ſecond day of October inſtant did take off the ſtop formerly made by their Lordſhips to my printing and publiſhing the Curant and allowed me to publiſh and print the ſamen as formerly upon my enacting of my ſelfe to the effect efter mentionat Therefore Witt ye me to be bound obliedgd and enacted Likeas I be the tenor heirof bind obliedge and enact my ſelfe in the books of her Majeſties Privie Councill That I ſhall publiſh nothing in my Curant concerning the goverment till firſt the ſamen be reviſed by the Clerks of her Majeſties Privy Council And I conſent to the regiſtratioun hereof in the books

of her Majeſties Privie Councill to have the ſtrength of ane decreet that letters on ſix dayes and others if need be's may be direct hereon In form as effeirs And to that effect Conſtituts My procurators In witnes whereof written be John Braid writter in Edinburgh I have ſubſcrivit thir preſents at Edinburgh the fifth of October I^m VII^c and five years before theſe witneſſes David Caw writer in Edinburgh and the ſaid John Braid.

Adam Borg

DAVID CAW *Witnes.*
J° BRAID *Witnes.*

Act in favours of Mr James Anderson, Writer to the Signet, for a liberty of corresponding with France.

UNTO HIS GRACE THE DUKE OF ARGYLL HER MAJESTIES HIGH COMMISSIONER AND TO THE RIGHT HONORABILL THE LORDS OF HER MAJESTIES MOST HONORABILL PRIVY COUNCIL

MR JAMES ANDERSON WRITER TO HER MAJESTIES SIGNET

Humbly Sheweth

THAT in purſuance of the Recommendation of the Parliament he is proceeding to give an Account of the ancient Charters and Seals of the Kings of Scotland And being cre-

dibly inform'd That there are ſeveral original ancient Charters of the Kings Nobles and Churchmen of Scotland in the Scots Colledge of Paris in France and that there are alſo ſome ancient authentick Chartularies in that place.

May it therfore pleaſe your Grace and Lordſhips to allow your Petitioner to correſpond with perſons in France for procureing tranſcripts of the ſaids Charters and draughts of their Seals he alwiſe ſhowing his Letters and Returns to any your Grace and Lordſhips ſhall nominat As alſo May it pleaſe your Grace and Lordſhips to Prohibite and Diſcharge the Reprinting Selling or Importing into this Kingdom the Book compoſed by him Intituled, An Hiſtorical Eſſay ſhewing That the Crown and Kingdom of Scotland is Imperial and Independent, without your Petitioners conſent, and that for ſuch a ſpace and under ſuch penalties as your Grace and Lordſhips ſhall think fitt And your Petitioner ſhall ever pray.

HOLYROODHOUSE 4TH OCTOBER 1705.

HIS Grace her Majeſties high Commiſſioner and Lords of her Majeſties Privie Counſell, having conſidered the within Petition, given in to them by Mr James Anderſon Writer to her Majeſties Signet, and the ſamen being read in their preſence, His Grace and the ſaids Lords doe heirby permitt and allow the Petitioner to correſpond with perſons in France, for procureing tranſcripts of the antient Charters and Sealls of

the Kings of Scotland, The Petitioner always communicating his letters that he ſhall ſend to France and the returns that he ſhall have to the ſamen, To the Lords Theſaurer deput, Advocat, or Juſtice Clerk, or any one of them; and His Grace and the ſaids Lords Grants to the Petitioner the ſole power, priviledge and liberty of printing, vending, and ſelling the book entituled Ane Hiſtoricall Eſſay, ſhewing that the Crown and Kingdome of Scotland is Imperiall and Independent, And diſcharges all other perſons whatſomever to print, reprint, vend, ſell, or import into this kingdome any of the ſaids books for the ſpace of nynteen years from the date heirof, without the Petitioner or his airis or aſſigneyes ther ſpeciall licence, liberty, and leave for that effect, And that under the penaltie of fyve hundreth merks Scots money, to be payed to the Petitioner or his forſaids, by and attour the confiſcation of the ſaids books to the Petitioner allenerly.

SEAFIELD, *Cancellar. I. P. D.*

Act in favours of Robert Monteith.

UNTO THE RIGHT HONOURABLE THE LORDS OF HER MAJESTIES MOST HONOURABLE PRIVY COUNCIL, THE PETITION OF ROBERT MONTEITH, MASTER OF ARTS,

Humbly Sheweth,

That there have come into your Petitioners hands an ancient and elegant Epitaph upon the never to be forgotten King James the Sexth, entituled An wounded heart ſacrifized in tears, &c. holograph by Walter Stewart of Eymouth Loan-

head, the authour. As likewayes, ane ingenious and facetious rythmical Poem in Latine, entituled *Vetus querela eaque Rythmica de fide erga Deum et homines in mundo fere extincta*, both herewith produced; And whilk papers wold be very pleaſand and acceptable to many people, if your Lordſhips wold allow your Petitioner to print, reprint, and vend them in maner underwritten.

May it therfor pleaſe your Lordſhips to grant and allow to your Petitioner, his airs or aſſigneyes, the ſole power, liberty, and priviledge for the ſpace of Ten yeares after your act theranent, To print, reprint, vend and ſell the ſaids two papers entituled as above; And to diſcharge all other perſons within this kingdom for the ſpace forſaids, To print, reprint, import, vend or ſell the ſaids two papers above-mentionat, or any of them, without conſent of your Petitioner or his foreſaids, under the paine of ten pounds Sterling, to be payed be each contraveener *toties quoties* to the Petitioner or his foreſaids for each tranſgreſſion in the premiſſes anent any of the two papers above-mentionat, attour confiſcatioun of the Copies to be printed, reprinted, imported, vended or ſold in defraud and prejudice heirof.

And your Petitioner ſhall ever pray.

Monteith

EDINBURGH 20 NOVEMBER 1705.

THE Lords of her Majeſties Privie Counſell haveing conſidered the within petition given in to them by Mr Robert Monteith, Maſter of Arts, and the ſame being read in ther preſence, The ſaids Lords doe heirby Grant and allow to the Petitioner, his airs and assigneys, the ſole liberty and priviledge to print, reprint, vend and ſell the antient Epitaph upon King James the Sixth, Entituled Ane wounded heart ſacrificed in tears, &c. by Walter Steuart of Eymouth, author therof; as alſo, ane ingenuous and facetiouſe Rhythmicall Poem in latine, entituled *Vetus querela eaque Rhythmica de fide erga Deum et homines in mundo fere extincta*, And prohibits and diſcharges all other perſons whatſomever to print, reprint, vend, ſell, or import the ſaids two papers above-mentioned, or any of them, without the petitioner or his foreſaids their licence and liberty had therto; And that for the ſpace of tenn years from the date heirof, under the penalty of ane hundreth and twenty punds Scots money, to be paid to the Petitioner or his foreſaids by the perſons contraveining this preſent act, by and attour the confiſcatioun of the faids two papers and forfaulture forſaid.

SUTHERLAND, *I. P. D.*

EDINBURGH 22 NOVEMBER 1705.

RECEAVED up by me, Mr Robert Monteith, within and above deſigned, the Epitaph and Poem, being the two papers

mentioned to be produced with the within Petition, I ſay receaved the ſame by me.

R. MONTEITH.

Act in favours of Agnes Campbell, relict of Andrew Anderson, Her Majesties Printer.

UNTO THE RIGHT HONOURABLE THE LORDS OF HER MAJETIES MOST HONOURABLE PRIVY COUNCIL,

THE PETITION OF AGNES CAMPBELL, RELICT OF ANDREW ANDERSON, HER MAJESTIES PRINTER,

Humbly Sheweth,

That where your Petitioner, by my Lord Regiſters licence, being about to print the Acts of Parliament of King James the 7th, and Acts ſince the Revolution, in a ſmall Volume for the more eaſe and accommodation of the whole Liedges, And your Lordſhips authority being neceſſary to be had thereto, leaſt that others may preſume to reprint or import the ſaids Acts into this kingdom in any Volume whatſoever, to your Petitioners great prejudice and diſcouragement, contrary to her right and priviledge to do the ſame; and that your Petitioner, as ſaid is, obtained my Lord Regiſter his licenſe and conſent to print the ſaid Acts:

May it therefore pleaſe your Lordſhips not only to in-

terpone your authority to the printing of the ſaid Acts of K. J. the 7th, and Acts ſince the Revolution, either in great or ſmall Volumes, by the Petitioner or her Aſſigneyes, but alſo prohibit and diſcharge all other perſons whatſoever to print, reprint, ſell, vend, or import into this kingdom any of the above ſaid Acts, in any Volume or form whatſoever, for the ſpace of 19 years after the date of the ſaid Acts, without the Petitioner or ſuch as ſhall have right from her, their licence and libertie had thereto; and that under the penalty of 500 merks, *toties quoties*, to be paid to her or her aſſigneyes by the perſons contraveeners, by and attour confiſcation of the books.

EDINBURGH, 20 NOVEMBER 1705.

The Lords of her Majeſties Privie Councill haveing conſidered the within Petition given in to them by Agnes Campbell, Relict of Andrew Anderſon, Her Majeſties Printer, and the ſamen being read in their preſence, The ſaids Lords have interponed, and hereby interpones their authoritie to the Petitioner or her aſſigneyes their printing of the Acts of Parliament of King James the Seventh, and Acts ſince the Revolution, either in great or ſmall volumes, and prohibits and diſcharges all other perſons whatſomever to print, reprint, ſell, vend, or import into this kingdome any of the ſaids Acts of Parliament in any volume or form whatſomever for the ſpace

of nynteen years after the date heirof, without the Petitioners or ſuch as ſhall have right from her, their licence and libertie had thereto; and that under the penaltie of fyve hundreth merks Scots money, *toties quoties*, to be payed to the Petitioner or her aſſigneyes by the perſons contraveening thir preſents, by and attour confiſcation of the ſaids books, The price of the ſaids Books being alwayes regulat by the ſaids Lords.

SUTHERLAND, *I. P. D.*

EDINBURGH, 20 NOVEMBER 1705.

The Lords of Her Majeſties Privie Counsell doe heirby appoynt and ordaine the Actis paſt in the laſt Seſſion of Queen Anns Parliament, to be ſold at one pund ten Shilling Scots, and Diſcharges Mrs Anderſon, her Majeſties Printer, to exact any more for the ſamen.

SUTHERLAND, *I. P. D.*

Act in favours of James Porterfield, Schoolmaster in Edinburgh, for printing a Book.

UNTO THE RIGHT HONOURABLE THE LORDS OF HER MAJESTIES MOST HONOURABLE PRIVIE COUNCILL, THE PETITION OF JAMES PORTERFIELD, SCHOOLMASTER IN EDINBURGH,

Humbly Sheweth,

That where the Petitioner, after a great deall of pains,

has compiled a little book entituled Edinburghs Engliſh Schoolmaſter, containing in thretty-ſix leſſons all the words in the Old and New Teſtament, with the Catechiſme and Inſtructions therwith, being the eaſieſt way to ſpell and read either Engliſh or Latine that ever was publictly knowne to this day, Examined and approved by the Colledges of Edinburgh and Glaſgow: And albeit the ſaid book be the effects of the petitioners toyll, yet the advantage thereof may accreſs to others, who may reprint and vend the ſame, unleſs your Lordſhips provyd remeid.

May it therefore pleaſe your Lordſhips to allow to the Petitioner the ſole priviledge of printing, reprinting, vending or ſelling of the ſaid book, And to diſcharge all others from printing, reprinting, diſpoſeing upon, importing, vending or ſelling the ſamen within this kingdome, without the Petitioners allowance, for the ſpace of nyntein years, under the penaltie of fyve hundreth merks, *toties quoties*, by and attour confiſcating of the ſaids books, conforme to your Lordſhips dayly practique in the lyke caiſes.

And your Petitioner ſhall ever pray.

EDINBURGH, 29 NOVEMBER 1705.

THE Lords of her Majeſtie's Privy Councell haveing conſidered the within petition given in to them by James Porterfield, Schollmaſter of Edinburgh, and the ſamen being read in

their preſence, the ſaids Lords doe herby allow and grant to the Petitioner the ſole priviledge of printing, reprinting, vending or ſelling of the book entituled Edinburghs Engliſh Scholmaſter, and diſcharges all others from printing, reprinting, vending, ſelling, diſpoſing upon, or importing into this kingdome, any of the ſaids books for the ſpace of nynteen years from the date herof, without the Petitioner's licence for that effect, and that under the penalty of fyve hundered marks, *toties quoties*, to be paid by the contraveeners to the petitioner, by and attour confiſcation of the ſaids books.

CRAFURD, *I. P. D.*